



**1998**

# ***Illinois Register***

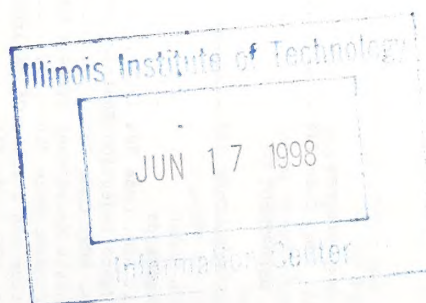
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## **Rules of Governmental Agencies**

Volume 22, Issue 24—June 12, 1998

Pages 9,623 - 10,718

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Index Department  
Administrative Code Div.  
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Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April 17, 1998 - Issue 16: Through	March 31, 1998
July 17, 1998 - Issue 29: Through	June 30, 1998
October 16, 1998 - Issue 42: Through	September 30, 1998
January 15, 1999 - Issue 3: Through	December 31, 1998 (Annual)



## INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

## REGISTER PUBLICATION SCHEDULE 1998

Material Rec'd before Noon on:	Will be in Issue #:	Published on:	Material Rec'd before Noon on:	Will be in Issue #:	Published on:
Dec. 23, 1997	1	Jan. 2, 1998	June 30, 1998	28	July 10, 1998
Dec. 31, 1997	2	Jan. 9, 1998	July 7, 1998	29	July 17, 1998
Jan. 6, 1998	3	Jan. 16, 1998	July 14, 1998	30	July 24, 1998
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June 16, 1998	26	June 26, 1998	Dec. 22, 1998	1	Jan. 4, 1999*
June 23, 1998	27	July 6, 1998*	Dec. 29, 1998	2	Jan. 8, 1999

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

\* Monday



## DEPARTMENT ON AGING

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Community Care Program

2) Code Citation: 89 Ill. Adm. Code 240

3) Section Numbers: Proposed Action:  
 240.230 Amendment  
 240.1510 Amendment  
 240.1520 Amendment  
 240.1550 Amendment  
 240.1555 Amendment  
 240.1560 Amendment  
 240.1565 Amendment  
 240.1580 Amendment  
 240.1605 Amendment  
 240.1930 Amendment

4) Statutory Authority: 20 ILCS 105/4.01 (11) and 5.02

5) A Complete Description of the Subjects and Issues Involved: The purpose of this rulemaking is twofold. The Department seeks to recognize and incorporate recommended sections of national adult day service standards into the Community Care Program (CCP).

Sections 240.1580, 240.1605 and 240.1930 amendments address the Program's standards and payment for alternative providers and process for procurement of emergency services. The amendments provide assurances that CCP services are available and provided in the most cost-effective manner by the highest quality service providers, within the mandated time frame of 15 calendar days from the date of notice of eligibility.

6) Will this proposed rule replace an emergency rule currently in effect?  
 No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes

9) Are there any proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their written comments concerning this rulemaking, within 45 days after the date of this issue of the Illinois Register, to:

Ms. Pamela W. Balmer, Assistant

## DEPARTMENT ON AGING

## NOTICE OF PROPOSED AMENDMENTS

Office of General Counsel  
 Illinois Department on Aging  
 421 East Capitol Avenue, #100  
 Springfield, Illinois 62701-1789  
 217/785-3346

In addition, the Department will accept oral and written testimony on the proposed amendments at a PUBLIC HEARING which will be held on the following date, at the location and time specified:

Date: July 8, 1998 (Wednesday)

Location: Menard Hall - Stephens Room  
 Lincoln Land Community College  
 5250 Shepherd Road  
 Springfield, Illinois

Time: 1:00 pm to 3:00 pm

The amendments will have an impact on small businesses. In accordance with Sections 1-20 and 5-20 of the Illinois Administrative Procedure Act, any small business may present their comments to Ms. Pamela W. Balmer, at the above address.

Any small business (as defined in Section 1-75 of the Illinois Administrative Procedure Act) commenting on the rule amendment shall indicate their status as such, in writing, in their comments.

If special accommodations/provisions are required, such as a hearing interpreter, please contact the Senior HelpLine at 1-800-252-8966 (Voice and TTY), no later than July 1, 1998.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: Community Care Program Case Coordination Units, Adult Day Service and Homemaker Providers.

B) Reporting, bookkeeping or other procedures required for compliance: Reporting, bookkeeping and other procedures commensurate with those established under the Community Care Program.

C) Types of professional skills necessary for compliance: Professional skills commensurate with the Community Care Program.

13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendments begins on the next page:



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## NOTICE OF PROPOSED AMENDMENTS

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CHAPTER II: DEPARTMENT ON AGINGPART 240  
COMMUNITY CARE PROGRAM

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AUTHORITY: Implementing Section 4.02 and authorized by Section 4.01(1) of the Illinois Act on the Aging [20 ILCS 105/4.02 and 4.01(1)].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 1, p. 67, effective December 20, 1979, for a maximum of 150 days; adopted at 4 Ill. Reg. 17, p. 151, effective April 25, 1980; amended at 4 Ill. Reg. 43, p. 86, effective October 15, 1980; emergency amendments at 5 Ill. Reg. 1900, effective February 18, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 12090, effective October 26, 1981; emergency amendments at 6 Ill. Reg. 8455, effective July 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 14953, effective December 1, 1982; amended at 7 Ill. Reg. 8697, effective July 20, 1983; codified at 8 Ill. Reg. 2633; amended at 9 Ill. Reg. 1739, effective January 29, 1985; amended at 9 Ill. Reg. 10208, effective July 1, 1985; emergency amendments at 10 Ill. Reg. 5076, effective March 15, 1986; recodified at 12 Ill. Reg. 7980; amended at 13 Ill. Reg. 11193, effective July 1, 1989; emergency amendments at 13 Ill. Reg. 13638, effective August 18, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17327, effective November 1, 1989; amended at 14 Ill. Reg. 1233, effective January 12, 1990; amended at 14 Ill. Reg. 10732, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 2838, effective February 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 10351, effective July 1, 1991; emergency amendments at 15 Ill. Reg. 14593, effective October 1, 1991, for a maximum of 150 days; emergency amendments at 15 Ill. Reg. 17398, effective November 15, 1991, for a maximum of 150 days; emergency amendments suspended at 16 Ill. Reg. 1744; emergency amendments modified in response to a suspension by the Joint Committee on Administrative Rules and reinstated at 16 Ill. Reg. 2943; amended at 15 Ill. Reg. 18568, effective December 13, 1991; emergency amendments at 16 Ill. Reg. 2630, effective February 1, 1992, for a maximum of 150 days; emergency amendments at 16 Ill. Reg. 2901, effective February 6, 1992, to expire June 30, 1992; emergency amendments at 16 Ill. Reg. 4069, effective February 28, 1992, to



## DEPARTMENT ON AGING

## NOTICE OF PROPOSED AMENDMENTS

expire June 30, 1992; amended at 16 Ill. Reg. 11403, effective June 30, 1992; emergency amendments at 16 Ill. Reg. 11625, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11731, effective June 30, 1992; emergency rule added at 16 Ill. Reg. 12615, effective July 23, 1992, for a maximum of 150 days; modified at 16 Ill. Reg. 16680; amended at 16 Ill. Reg. 14565, effective September 8, 1992; amended at 16 Ill. Reg. 18767, effective November 27, 1992; amended at 17 Ill. Reg. 224, effective December 29, 1992; amended at 17 Ill. Reg. 6090, effective April 7, 1993; amended at 18 Ill. Reg. 609, effective February 1, 1994; emergency amendment at 18 Ill. Reg. 5348, effective March 22, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 13375, effective August 19, 1994; amended at 19 Ill. Reg. 9085, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10186, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12693, effective August 25, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16031, effective November 20, 1995; amended at 19 Ill. Reg. 16523, effective December 1, 1995; amended at 20 Ill. Reg. 1493, effective January 10, 1996; emergency amendment at 20 Ill. Reg. 5388, effective March 22, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 8995, effective July 1, 1996; amended at 20 Ill. Reg. 10597, effective August 1, 1996; amended at 21 Ill. Reg. 887, effective January 10, 1997; amended at 21 Ill. Reg. 6183, effective May 15, 1997; amended at 21 Ill. Reg. 12418, effective September 1, 1997; amended at 22 Ill. Reg. 3415, effective February 1, 1998; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: SERVICE DEFINITIONS

## Section 240.230 Adult Day Case Service

Adult day case service is the direct care and supervision of adults aged 60 and over in a community-based setting for the purpose of providing personal attention; and promoting social, physical and emotional well-being in a structured setting.

## a) Required Service Components

1) Assessment of the client's strengths and needs and development of an individual written plan of care for each client that establishes specific client goals for all service components to be provided or arranged for by the service provider.

A) The individual plan of care is to be established by the adult day service team consisting of program Coordinator/Director and Program Nurse, and may include other staff at the option of the program Coordinator/Director.

B) The individualized plan of care is to be established not later than the fourth week of service.

C) The individualized plan of care shall address the needs identified by the Case Coordination Unit (CCU), as described in the Determination of Need (DON), Client Agreement - Plan of Care and approved by the client's physician/nurse

## DEPARTMENT ON AGING

## NOTICE OF PROPOSED AMENDMENTS

Practitioner/Registered Nurse/Christian Science Practitioner in accordance with Section 240.730 of this Part.

D) The individualized plan of care shall address the need identified by the service provider's staff and client/caregiver during the assessment process.

E) The client, caregiver and other service providers shall have the opportunity to contribute to the development, implementation and evaluation of the individualized plan of care.

F) Reassessing the client's needs and reevaluating the appropriateness of the service plan shall be done as needed, but at least semi-annually.

2) A balance of purposeful activities to meet the client's interrelated needs and interests (social, intellectual, cultural, economic, emotional, physical and spiritual) designed to improve or maintain the optimal functioning of the client.

A) Activity programming shall take into consideration individual differences in age, health status, sensory deficits, lifestyle, ethnicity, religious affiliations, values, experiences, needs, interests and abilities by providing for a variety of types and levels of involvement.

B) Time for rest and relaxation shall be provided as needed or prescribed.

C) Activity opportunities shall be available whenever the service provider's facility is in operation and clients are in attendance.

D) A monthly calendar of activities shall be prepared and posted in a visible place.

1) Provide/arrange for transportation, with at least one vehicle handicapped accessible to enable clients to attend the adult-day care-center and participate in sponsored outings.

2) Development of a written individualized adult-day-care-plan-of-care which establishes specific goals and service components to be addressed and provided in the adult-day-care-setting. The individualized plan-of-care is to be established within the fourth-week-of-service-by-the-adult-day-care-team-consisting-of Program--Coordinator/Director--and Program Nurse--and may include other staff at the option of the Program--Coordinator/Director. The individualized plan-of-care will address the needs identified by the Case Coordination Unit (CCU) and established in the Client Agreement--Plan--of-Care prepared by the CCU and approved by the client's physician/nurse/practitioner/Registered Nurse/Christian Science Practitioner in accordance with Section 240.730. The client/authorized representative/family member will be consulted and advised of the establishment of the individualized plan-of-care. Activities specified, which have been delineated in this Section as service components, will be included in the individualized plan-of-care. The individualized plan-of-care may



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- be modified to reflect any change in the client's condition.
- 3) Nursing services provided by the program nurse including evaluation of the client's needs, routine health monitoring, and supervision/administration of medications.
- 34) Assistance with or supervision of as-needed with activities of daily living (e.g., walking, eating, toileting and personal care), as needed.
- 4) Provision of health-related services appropriate to the client's needs as identified in the provider's assessment and/or physician's orders, including health monitoring, nursing intervention on a moderate or intermittent basis for medical conditions and functional limitations, medication monitoring, medication administration or supervision of self-administration, and coordination of health services.
- 5) A daily meal meeting one-third of the adult "Recommended Daily Dietary Allowances" established by the Food and Nutrition Board of the National Research Council - National Academy of Sciences, 10th Revised Edition, 1989. Supplementary nutritious snacks shall also be provided. Special diets shall be provided as directed by the client's physician.
- 6) Agency provision or arrangement for transportation, with at least one vehicle physically accessible, to enable clients to receive adult day service at the adult day service provider's site and participate in sponsored outings.
- 7) Provision of emergency care as appropriate in accordance with established adult day service provider policies and Section 240.1510 of this Part.
- 6) An activity program including reality orientation activities designed to promote the client's awareness of time, space, objects and persons; socialization and stimulation activities to encourage and assist clients to interact with staff and other clients; and supportive counseling (active listening, attention to expressed clients' needs, and suggestions and guidance to promote interactions with others).
- 7) Rest periods when needed or prescribed.
- 8) Maintenance of the client's individual case record in adult day care files as required by Sections 240.340 and 240.1520.
- b) Ancillary Optional Service Components
- 1) Ancillary services, including physical, occupational, speech and creative arts therapies may be provided by site staff or through contractual arrangements when needed by clients. If provided, ancillary services shall be within the framework of the individualized plan of care and in accordance with professional practice standards and applicable State and federal regulations.
- 2) Rehabilitative services, including physical therapy, occupational therapy, speech and hearing therapy, personnel qualified to provide these services are adult day care staff who are licensed professionals. These services are to be provided under written

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- direction--instruction or order of the client's physician--Each treatment and monthly progress notes must be recorded.
- 2) Skilled nursing services, including, but not limited to, catheter installation, irrigations and care, dressings, enemas, oxygen therapy, suction/posturing, ostomy care and restorative nursing such as bladder retraining. (All above procedures/interventions require physician orders and shall be administered performed by a Registered Nurse, in accordance with the Illinois Nursing Act [225 ILCS 65].)
- 3) Shopping assistance.
- 4) Escort to medical and social services.
- AGENCY NOTE: Reimbursement for costs of ancillary optional services is not included in the unit rate paid by the Department and will not be paid by the Department.
- c) Unit of Service
- 1) One unit of adult day care service is defined as one direct client contact hour (excluding transportation time) provided to a client. A direct client contact hour is defined as 60 consecutive minutes of active programming, i.e., providing one or a combination of the service components listed in subsections (a)(2) through (7).
- 2) One unit of documented adult day service care transportation, provided by the adult day service care provider, is defined as a one-way trip per client to or from the adult day service provider's care site and the client's home. No more than two units of transportation shall be provided per client in a 24 hour period, and shall not include trips to a physician, shopping, or other miscellaneous trips.
- 3) For services (including transportation, if specified in the plan of care) which the provider was unable to provide due to the client's absence without prior notification (see Section 240.350 of this Part), the provider shall be reimbursed as follows:
- A) Two and one half units of documented adult day care service per occurrence to a maximum of five units per client per State fiscal year.
- B) One unit of documented adult day service care transportation, provided by the adult day service care provider, per occurrence to a maximum of two units per client per State fiscal year.
- 4) Refer to Section 240.1950.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART O: PROVIDERS

Section 240.1510 Provider Administrative Minimum Standards

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The provider shall assure:

- a) Confidentiality of client records is maintained as required by Section 240.340 of this Part.
- b) The type and amount of service is provided in accordance with the Client Agreement - Plan of Care as developed and authorized by the Case Coordination Unit (CCU).
- c) Money handling activities related to necessary shopping/errand activities including receipt procedures are monitored.
- d) Each job category has a job description, a wage range and the agency has personnel policies which include benefits, promotion and evaluation criteria.
- 1) Each employee is provided a written job description which applies to his/her job category.
- 2) A copy of current written personnel policies for his/her specific job category shall be available to all employees.
- 3) Each employee is informed of the wage range for the specific job category at the time of employment and any subsequent revisions.
- 4) Employee benefits and grievance procedures are clearly stated in writing and comply with both State and Federal regulations.
- 5) Personnel records are maintained for each employee and include at least the following:
  - A) employee application;
  - B) annual face-to-face performance evaluation;
  - C) documentation of participation in initial training, in-service and other pertinent training (orientation in agency policies) is in accordance with Department training required by Sections 240.1535 and 240.1555 of this Part;
  - D) documentation of supervisory home and on-site visits, office conferences and evaluations; and -
  - E) documentation to support qualifications.

**ef) Observance-of--policies--and--procedures--to--control--the--spread--of infectious-disease:**

All Department required documentation to support units of service requested for reimbursement shall be retained for a minimum of five years from the termination date of the provider's contract with the Department.

Ongoing quality improvement through the development, administration and evaluation of client/family satisfaction surveys, staff and community agency surveys, program and service reviews and the implementation of changes based on their findings, at least annually. Observance of written policies and procedures to comply with the following, when appropriate:

- 1) U.S. Department of Labor, Occupational Safety and Health Standards (OSHA) (29 CFR 1910.1030 and 1910.1035).
- 2) U.S. Department of Labor, Immigration and Naturalization Services (8 U.S.C. 1324(a) et seq.).
- 3) Drug Free Workplace Act [30 ILCS 580].
- 4) Patient Self-Determination Act (42 U.S.C. 1396(a) et seq.).

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5) Health Care Surrogate Act [755 ILCS 40].  
Observance of written policies and procedures to:

- 1) Control the spread of infectious diseases.
  - 2) Assure non-discrimination in accordance with Section 240.320 of this Part and the Department's civil rights program.
  - 3) Develop, maintain and protect administrative and client records.
  - 4) Receive and resolve complaints.
  - 5) Respond to emergency situations, including, but not limited to, care in a medical emergency, site-related emergencies (i.e., late pick-up of clients), client-related emergencies (i.e., clients leaving the site unattended), weather-related emergencies and vehicle/transportation emergencies.
- i) Management staff from any applicant agency selected for a CCP adult day service contract shall be required to complete adult day service management training.
- 1) Training shall be completed by the provider prior to the award of a CCP adult day service contract from the Department.
  - 2) At a minimum, the provider Program Administrator or Program Coordinator/Director, if also functioning as the Program Administrator, shall complete this training.
  - 3) Adult day service provider agencies are exempt from this training requirement if the agency:
    - A) has prior adult day service experience of at least one year prior to application; and
    - B) has served an average caseload of at least ten clients per month during that time; and
    - C) is providing the adult day service on the date the application is signed or has a current CCP contract to provide adult day service.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 240.1520 Provider Responsibilities**

- a) Community Care Program (CCP) services shall be purchased only from providers determined capable and competent by the Department to provide such services, as described in Section 240.1635 of this Part.
- b) Providers in-home-care--providers shall carry general liability insurance in the single limit minimum amount of \$100,000 per occurrence. (The policies or current letters documenting all insurance coverage shall be available to the Department upon request.) Providers in-home-care--providers shall also carry the following insurance coverages:
  - 1) volunteer protection equivalent to employees' coverage, (including coverage for volunteer drivers/escorts); and
  - 2) motor vehicle liability, uninsured motorist and medical payments if staff transport clients in agency vehicles.



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- d) All providers of CCP services must comply with all applicable local, State, and Federal laws, rules and regulations.
- e) A provider shall provide services to all CCP clients referred by the Case Coordination Unit (CCU), with the following exceptions:
- 1) The client does not meet the adult day service provider's Adult Day-Care-Center's admission criteria.
  - 2) The plan of care is determined to be inappropriate in the professional judgement of the provider.
    - A) The provider shall immediately notify the CCU of the provider's assessment and evaluation of the situation.
    - B) The provider and the CCU shall work together to determine if a plan of care that adequately meets the client's needs can be developed.
    - C) In the event the provider and the CCU cannot reach an agreement, the Department shall be contacted and shall determine the final resolution.
  - 3) The provider is unable to accept all CCP referrals.
    - A) The provider shall request a cap on the number of clients to be served (service cap) in writing, to the Department.
    - B) Upon approval of the request, the provider assumes responsibility for managing intake to maintain the cap.
    - C) The Department will not approve a service cap for a contractor which is the only provider of homemaker service in the contract area.
  - f) A provider shall not deviate from the client's plan of care without receipt of written instruction from the Department or the CCU on approved Department CCP forms, except in cases of emergency, client refusal of service or client failure to be home to receive service. Any temporary change or deviation from the plan of care must be documented by the provider in the client's file.
  - g) It shall be the responsibility of the provider to advise the CCU of any change in the client's physical/mental/environmental need which the provider, through the direct service worker/supervisor, has observed, when such change would affect the client's eligibility or service level or would necessitate a change in the plan of care. It is the adult day service provider's responsibility to advise the primary caregiver and/or appropriate professional of any changes in the client's health or functional ability.
  - h) All providers shall reply to requests by a client, by telephone or in writing, within 15 calendar days from the date of the request. The request and the response shall be documented in the client's file.
  - i) The provider shall be responsible for the collection from the client of the incurred expense for care provided to the client in the following manner:
    - 1) The provider shall be ~~is~~ responsible for billing the clients for whom they provide CCP services, once per month in the month following the provision of service, and in the manner prescribed by the Department. Such billings shall be based, for each

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- client, upon the units of service provided and the fixed fee share rate for the client's incurred expense for care ~~except-as noted-in-subsection-1133-below.~~
- 2) Providers shall not require clients to pay a greater share of the cost of services prescribed in the plan of care than required by the Client Agreement - Plan of Care.
  - 3) ~~For-clients-who-are-required-because-of-income-to-pay-for-100-percent-of-their-services-charges-for-CCP-services-shall-be based-upon-the-units-of-service-multiplied-by-the-provider's contracted-rate-(refer-to-Section-240-0707).~~
  - 34) If a client requests additional service from the provider other than that allowed by the Client Agreement - Plan of Care, the Department will not be billed for those additional units of service.
  - j) Providers may accept partial or full payment from a third party for a client's incurred expense. However, the liability for the proportionate share, if third party payment is not received, remains with the client as indicated by the expense for care agreement executed by the client and included as an integral part of the Client Agreement - Plan of Care.
  - k) Providers have the option of not billing a client for the incurred expense for care.
    - 1) Providers shall respond verbally or in writing to the client on any question presented to the provider either verbally or in writing, regarding the validity of a billing. If the question is not resolved to the satisfaction of the client, the provider shall advise the client of his/her right to appeal the question, and the provider shall assist the client in filing an appeal if requested or needed. The provider shall also advise the client that non-payment may result in discontinuance of CCP services. Providers may not discontinue services until authorized to do so by the CCU (refer to Section 240.935 of this Part).
    - m) Providers shall submit a Vendor Request for Payment form which shall be received by the Department no later than the fifteenth day of the month following the month in which services were provided. The form shall state the number of units of service provided to each identified client during the service month. Reimbursement to the provider by the Department will be adjusted by calculating and deducting the client's incurred expense for care based upon the fixed fee share rate ~~except as-noted-in-subsection-1133-above.~~
    - n) Providers shall bill the Department for service rendered to clients in increments of full or one-half units only. Adult day service ~~care~~ providers shall bill for not less than one nor more than two ~~2~~ units of agency-provided-transportation to/from the adult day service ~~care~~ site per client for each 24-hour period in which adult day ~~care~~ service is provided to each client (refer to Section 240.1950 of this Part).
    - o) The provider shall advise the CCU of any failure by a client to pay a

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monthly bill rendered by the provider for services provided to the client for more than 30 calendar days from the date of the initial monthly billing. The provider may request the CCU to discontinue service to the client in default as stated above (refer to Sections 240.875 and 240.935 of this Part).

p) If the client makes payment to the provider for incurred monthly expense which has already been reimbursed to the provider by the Department, the provider shall reimburse the Department within 30 calendar days from the date of receipt of payment from the client.

q) Providers shall provide the Department with an annual audit report to be completed in accordance with Generally Accepted Auditing Standards and the Department on Aging audit guidelines.

1) The annual audit shall assure that homemaker providers are in compliance with the financial reporting requirements as outlined in Section 240.2020 of this Part. A Certified Public Accountant's (CPA's) opinion concerning the cost report shall be submitted with the audit. The CPA's opinion may be limited to:

A) the provider prepared the cost report by using acceptable accounting methods to allocate cost; and

B) the cost reports are supported by provider accounting records.

2) The audit report shall be filed at the offices of the Illinois Department on Aging, 421 East Capitol Avenue, #100, Springfield, Illinois 62701-1789, within six 6 months from the date of the close of the provider's business fiscal year.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 240.1550 Standard Requirements for Adult Day Service Care Providers

a) An adult day care provider shall carry general liability insurance in the single limit minimum amount of \$100,000 per occurrence. Policies, certificates of insurance or copies of such or current letters documenting all insurance coverages shall be available at the adult day care site.

b) Each provider shall also carry the following insurance coverages:

i) motor vehicle liability, uninsured motorist, and medical payments;

2) volunteer protection (especially coverage for volunteer driver/escorts equivalent to employees);

ac) An adult day service care provider shall have on file and utilize written procedures to:

1) Manage storage and administration of medications, including:

A) Storing and locking medications.

B) Labeling medications brought to the adult day service provider's site.

C) Ensuring that:

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1) ~~Store and lock medications.~~

2) ~~Label medications brought to the adult day care center.~~

3) ~~Ensure that:~~

iA) prescribed medication is administered by an appropriately licensed professional to those adult day service care clients who are determined unable to self-administer medications;

iiB) judgment of a client's inability to self-administer medications shall be documented by a physician's order or the Case Coordination Unit (CCU) plan of care and/or the adult day service Adult Day Care plan of care by the program nurse;

iiiE) administration of all medications administered by the adult day service provider staff ~~ABC--staff~~ (prescription and non-prescription) are recorded in the client's case record; and

ivB) physician orders for medication are utilized and filed in the client's case record.

bd) A facility which houses an adult day service care program (including satellite sites) shall meet the following criteria:

1) A separate identifiable area must be designated for sole use by the adult day service care program, and a schedule established and posted for usage of any common program areas shared with other programs.

2) There shall be a minimum of 40 square feet of activity area per client. (Multiple-use areas must be pro-rated on both time and client basis.) The activity area in the square feet per client requirement is exclusive of exit passages and fire escapes, administrative space, storage areas, bathrooms, kitchen used for meal preparation, space required for equipment and gymnasiums or other areas when used exclusively for active sports.

3) All adult day service care providers shall comply with the applicable provisions of the following codes and standards. Any incorporation by reference in this Section of these rules or regulations of any agency of the United States or of any standards of a nationally recognized organization or association includes no new amendments or editions made after the date specified.

A) State of Illinois Codes and Standards

Code or Standards

Agency

i) Ill. Plumbing Code (77 Adm. Code 890)

Department of Public Health, Environmental Health Protection or their authorized local designee



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- ii) Illinois Accessibility Code [71 Ill. Adm. Code 400] Accessibility Standards illustrated as-adopted pursuant-to enactment-of-the Environmental Barriers Act [1985] [45 ILCS 25]
- Capital Development Board offers guidance to design professionals and building code officials regarding the interpretation and application of the Illinois Accessibility Code
- NOTE:  
It shall be incumbent upon the provider to assure that their facility meets all applicable requirements as promulgated by the Capital Development Board.  
(No written documentation thereof shall be required.)

- iii) Fire Prevention and Safety [1983] (41 Ill. Adm. Code 100)
- iv) Illinois Vehicle Code [1991] Rev.-Stat.-1991 Ch.-95-1/27 par-1-100-et-seq- [625 ILCS 5/1-100-et-seq-]
- v) Food Service Sanitation (77 Ill. Adm. Code 750)
- Department of Public Health, Environmental Health Protection or their authorized local designee
- Department-of-Human Rights
- vi) Illinois-Human Rights-Act [1991-Rev.-Stat-1991-Ch-60]

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- par-1-101-et-seq- [775-IBES-5/1-101-et-seq-]
- B) Other Codes and References
- ii) National Fire Protection Association (NFPA 101 Life Safety Code, 1985 edition: Chapter 10, Section 7 and Chapter 11, Section 7) Recommended-Dietary Allowances 10th-Revision-Edition
- National Fire Protection Association and Office of State Fire Marshal shall inspect
- National-Academy-of-Sciences
- C) In addition to compliance with the standards set forth herein, all applicable local and state building, fire, health and safety codes, ordinances and regulations which are enforced by city, county or other local jurisdictions in which the facility is, or will be, located must be observed and documented through required inspections by appropriate officials.
- 4) Each facility shall have posted an emergency plan for evacuation and shall conduct quarterly fire drills in accordance with subsection (b)(3)(B)(i). Documentation of the dates of the fire drills must be on file at the facility.
- 5) Each facility shall maintain room temperatures in the facility of not less than 70 degrees Fahrenheit and not more than 85 degrees Fahrenheit by utilizing heating system/air conditioning/circulating fans.
- 6) Each facility shall designate a dining area (equipped with a sufficient number of chairs and table space) to accommodate the daily number of clients.
- 7) Each facility shall have at least one physically accessible handicapped-accessible bathroom facility for up to 12 clients and a minimum of two 2 bathroom facilities (one physically accessible handicapped-accessible) to serve 13 or more clients.
- 8) Each facility shall have space for office equipment and storage of supplies.
- 9) Hot water temperatures shall be controlled to not exceed 119 degrees but not less than 99 degrees Fahrenheit in the bathroom facilities.
- 10) Clients shall not be allowed in the kitchen if water temperatures are not controlled as required in subsection (b)(9) above. Clients should not be allowed in areas where supplies/medications are stored or where a microwave is in use unless supervised.

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- 11) Each facility shall have at least one quiet place equipped with a reclining chair, cot or bed where a client may rest.
- 12) Exit areas shall be clear of equipment and debris at all times and shall be equipped with monitoring or signaling devices to alert staff to clients leaving the facility unattended.
- 13) One telephone shall be immediately available within the client activity area. A list of emergency numbers shall be posted by the telephone.
- 14) Supplies and equipment for emergency first aid shall be immediately accessible to allocated client activity areas.
- (c) An adult day service care provider (including each satellite site) shall meet the following criteria relative to meals provided to clients (prepared on-site or contractual):
- 1) The adult day service care provider shall provide to each client one meal at mid-day meeting at least one-third of the adult "Recommended Dietary Allowances" established by the Food and Nutrition Board of the National Research Council - National Academy of Sciences (10th Revised Edition). Supplementary nutritious snacks shall also be provided. The adult day service care provider shall provide modified diets as directed by the client's physician.
  - 2) Adult day service care providers (whether meals are prepared on-site or contractually) shall:
    - A) Have menus approved and so documented by the registered dietitian. Menus shall reflect portion sizes as appropriate.
    - B) Post menus in advance in a location visible to the client(s) within the adult day service facility day-care-center.
    - C) Assure that menus are planned for a minimum of four weeks on a menu form.
    - D) Develop methods and follow written procedures to control portion sizes and to meet the one-third daily recommended dietary allowances (refer to subsection (b)(4)(3)(B)(ii) above).
    - E) One employee at each adult day service site facility-day care-site, either handling/preparing or supervising the handling/preparing of foods, shall meet Food Service Sanitation guidelines issued by the Illinois Department of Public Health.
    - F) Have on file available-for-review and follow written procedures for receiving and storing food which must include:
      - i) verification of food quantities;
      - ii) checking and documentation of food temperatures at time of delivery and serving;
      - iii) equipment to be utilized;
      - iv) procedures to follow for foods that arrive above or below temperature, deteriorated food and food shortages.

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- G) Ensure that catered meals are transported in equipment that maintains temperatures of hot food at 140 degrees Fahrenheit, or above, and cold foods at 41 45 degrees Fahrenheit, or below. Foods shall be maintained and served at the above temperatures at the adult day service care site.
- H) Ensure--that--all-foods-prepared-on-site--shall-be-maintained--and-served-at--140-degrees--Fahrenheit--or--above--for--hot-foods--and--45-degrees--Fahrenheit--or--below--for--cold-foods-- Ensure that potentially hazardous foods (i.e., food that consists in whole or in part of milk, milk products, eggs, meat, poultry, fish, shellfish, edible crustacea, or other ingredients, including synthetic ingredients, in a form capable of supporting rapid and progressive growth of infectious or toxigenic microorganisms) intended to be served cold shall be pre-chilled and transported/maintained at a temperature of 41 45 degrees Fahrenheit, or below. Potentially hazardous food intended to be served hot shall be transported/maintained at a temperature of 140 degrees Fahrenheit, or above.
- I) Ensure that potentially hazardous foods prepared on-site shall be prepared in accordance with required cooking temperatures as specified by the Illinois Department of Public Health (77 Ill. Adm. Code 750) and maintained until service at 140 degrees Fahrenheit, or above, for hot foods and 41 degrees Fahrenheit, or below, for cold foods.
- J) If food is prepared by a caterer, ensure that the registered dietitian has inspected the caterer's location and receives documentation that the caterer's operation complies with all health, sanitary and safety regulations. The adult day service care provider shall keep a copy of the current caterer's inspection certificates/letters on file.
- d) Adult day service provider vehicles that transport clients shall be equipped with a working two-way communications device and written procedures to be followed in the event of an emergency (refer to Section 240.1510(h)).
- e) Adult day service providers shall acquire and have on file an emergency contact and a recent photograph of each client for emergency purposes.
- (Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 240.1555 General Adult Day Service Care Staffing Requirements

- a) A separate and identifiable staff must be designated for sole use by the adult day service program.
- ba) Each adult day service care provider shall have adequate personnel in



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number and skill (a minimum of two staff persons) at the adult day service care site to provide for:

- 1) program and fiscal administration;
- 2) nursing and personal care services;
- 3) nutritional services;
- 4) planned therapeutic/recreational activities;
- 5) obtaining prompt services of emergency personnel and hospitalization, if needed;
- 6) immediately notifying the client's authorized representative or family member of any illness, accident or injury to the participant;
- 7) provision/arrangement of transportation services to and from the adult day service care site;
- 8) adequate record keeping;
- 9) development, implementation and semi-annual quarterly review of individualized plans of care;
- 10) program evaluation and marketing;
- 11) supervision and evaluation of staff; and
- 12) monitoring and meeting staff training needs; and -
- 13) maintenance of a clean and safe physical environment.

cb) The minimum ratio of full-time staff (qualified adult day service day care staff, trained volunteers or substitutes) or full-time equivalent (FTE) staff present at the adult day service care site to clients, when clients are in attendance, shall be:

## Staff Clients

- |   |          |
|---|----------|
| 2 | 1 to 12  |
| 3 | 13 to 20 |
| 4 | 21 to 28 |
| 5 | 29 to 35 |
| 6 | 36 to 45 |
- 1) Add one additional staff person for each seven additional clients.

2) Fifty percent or more of a staff member's time shall be spent in on-site direct service or supervision on behalf of one or more clients in order to be considered in the ratio.

3) Exceptions from the mandated ratio of staff to clients can be made only with prior Department approval.

dc) Each adult day service care employee shall have:

- 1) Initial training totaling a minimum of 12 hours face-to-face training within the first week of employment (exclusive of orientation). A worker may be exempted from initial training by the provider if the worker has had previous documented training equivalent to 12 hours, with another CCP contracted agency, or in

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a related field, within the past two 2 years prior to this employment or holds a CNA, RN, LPN, BA, BS, BSW or higher degree.

2) A minimum of 12 hours continuing education per year shall be mandatory for all adult day service care employees. Initial training shall fulfill the in-service training requirement for new employees except when the worker is exempted from initial training as described in subsection (d)(7)(1) above.

- 3) Training on universal precautions, as appropriate to the adult day service site and as required by the U.S. Department of Labor, Occupational Safety and Health Administration (29 CFR 1910.1030).
- 4) Training on emergency procedures as delineated in Sections 240.1510(h)(5) and 240.1550(d) and (e) of this Part, respectively.

e) Drivers of adult day service vehicles that transport clients, and at least two program adult day service staff, shall be certified in cardiopulmonary resuscitation (CPR) and trained in first aid, and at least one of such trained staff shall be on-site when clients are present.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

Section 240.1560 Adult Day Service Care Staff Qualifications

a) The following staff shall be required of all adult day service care providers (with specified exceptions):

- 1) An Adult Day Service Care Program Administrator shall:

A) Meet the following qualifications:

- i) have a bachelor's degree in a health or human services or related field (including social or health sciences, public administration or physical education) or be a Registered Nurse or Health Services Administrator; or
- ii) demonstrate two 2 years of progressively responsible supervisory experience in a program serving the elderly for each year of education being replaced (up to four 4) in the disciplines defined in subsection (a)(1)(A)(i) above.

B) The responsibilities of the Administrator may be performed by the Program Coordinator/Director. If the Administrator's function is also performed by the Program Coordinator/Director, only the qualification requirements for Program Coordinator/Director apply.

- 2) An Adult Day Service Care Program Coordinator/Director shall meet the following qualifications:

A) Meet the following qualifications:

- iA) have a bachelor's degree in health or human services, social or health sciences, physical education, or related field; or



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iiB) be a Registered Nurse ~~registered-nurse~~; or  
 iiE) demonstrate two 2 years of progressively responsible supervisory experience in a program serving the elderly for each year of education being replaced (up to four 4) in the disciplines defined in subsection (a)(2)(A)(i) above.

B) Be on duty full time when clients are in attendance or have a qualified substitute.

3) A-program-nurse-A7A program nurse shall:

- A) be a:  
 i) Registered Nurse (R.N.) licensed by the State of Illinois; or  
 ii) ~~be-a~~ Licensed Practical Nurse (L.P.N.) licensed by the State of Illinois under the supervision of an R.N. (R.N. may be contractual and must meet with the L.P.N. to review plans of care and be available to provide direction as needed); and

B) be on duty at least one-half of a full-time (FTE) work period when clients are in attendance, either as staff or on a contractual basis.

B) With written Department approval, the responsibilities of a program nurse may be performed by the Program Coordinator/Director or Administrator. If the Program Nurse function is performed by the Program Administrator or Program Coordinator/Director, that person must be full time, and must meet the qualifications for a program nurse and fulfill responsibilities for all assigned positions.

4) A transportation Driver/Escort (provider employed or contractual) for those adult day service care contractors who provide the transportation service component shall meet all applicable requirements of the Illinois Vehicle Code (~~4111-Rev--Stat--19917 ch--95-1/2--par--1-100-et-seq--~~) [625 ILCS 5/1-100-et-seq].

5) Nutrition Staff:

A) Nutrition staff shall include:  
 i) at least one staff person who meets the Food Service Sanitation guidelines issued by the Department of Public Health.

ii) a Nutrition Consultant/Dietitian, either paid or in-kind, who shall: be a registered member of the American Dietetic Association with experience in an agency setting; and approve menus for adult day service care providers to meet requirements stated in subsection (B) below.

B) The nutrition staff is responsible for providing daily meals meeting requirements specified in Section 240.230(a)(5).

b) The following optional staff, either contractual or employed by an adult day service care provider, shall meet the specified qualifications:

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1) A social service worker shall:

A) be under the direction of the Program Coordinator/Director; B) possess a Bachelor's degree in Social Work or a related field and have at least one year's work experience, preferably with programs for the elderly and disabled.

2) Program assistants ~~aides~~ shall have a high school diploma or general education diploma, or two 2 years of prior documented experience working in programs for the elderly, or demonstrate continued progress towards meeting the educational requirement of a general education diploma by current registration and evidence of successful completion of course work (successful completion means achievement of a grade of "C" or higher).

3) A medical consultant shall be a Medical Doctor (M.D.) licensed to practice medicine by the State of Illinois.

4) A rehabilitation consultant shall:

A) have a bachelor's degree from an accredited program; B) be licensed, registered or certified in accordance with requirements of the State of Illinois.

c) The following requirements shall apply to substitutes for staff positions and/or regularly scheduled volunteers utilized by an adult day service care provider:

1) the adult day service care provider shall have on file information documenting the same personal, health, administrative and professional qualifications for substitutes as are required of staff for whom they act as substitutes;

2) persons agreeing to be available as substitutes or for use in emergencies shall sign a written statement kept on file at the adult day service site ~~care-center~~, certifying to their availability and agreement to serve in the particular capacity. The file of each person serving in this capacity shall contain such a statement for each calendar year of availability;

3) volunteers shall complete an application indicating their reason for participation in the program, and special skills;

4) volunteers may serve in any capacity for which they are qualified (refer to subsection (c)(1) above);

5) substitutes and volunteers shall be supervised by the staff person supervising the function to which the volunteer or substitute is assigned;

6) substitutes and volunteers who are not used to meet program requirements are exempt from initial and in-service training requirements.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 240.1565 Adult Day Service Care Satellite Sites

a) A contracted adult day service provider may request, in writing,

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authorization from the Department to develop a satellite site in the same geographic contractual area.

a) Due to the entitlement nature of the Community Care Program (CCP), an audit day care facility may have more clients referred to that facility than the available space allows (daily census maximum) (refer to Section 240.1550). When this occurs the audit day care provider has 3 options:

1) Advise the Case Coordination Unit (CCU) that such a situation is imminent and request suspension of referrals; or

2) Request in writing authorization from the Department to develop a satellite site in the same geographic contractual area;

b) If an audit day care provider advises the CCU of the imminence of its facility reaching the daily census maximum and the provider states that it does not wish to expand and open a satellite site, the CCU shall immediately advise the Department in writing.

1) The Department may issue a Request for Proposal (RFP) for an additional provider in the same geographic area at the next appropriate RFP solicitation;

2) The contract of the audit day care provider choosing not to open a satellite site shall in no way be affected by the issuance of an RFP/subsequent contract with an additional provider.

b) The provider shall notify the Department when the provision of service will begin at the satellite site. The site will be granted a contract based on the provider's assurances.

c) The Department will conduct an on-site review of the satellite site within the first 3-month period of service provision at the site.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 240.1580 Standards for Alternative Providers

a) In the event that Community Care Program (CCP) services are not provided to an eligible applicant within the time limit specified in Section 240.910 of this Part, the eligible applicant may arrange to receive CCP homemaker services the amount and type of CCP services for which he or she has been determined eligible from an individual or a home care agency of the eligible applicant's choice 15 calendar days from the date of the notice of eligibility. The Case Coordination Unit (CCU) shall approve the applicant's choice of individual or home care agency for homemaker services to be provided.

b) If there is an interruption of services provided to a client due to the failure of a contractual provider to provide such services, the CCU shall assist the client in locating an individual or home care agency.

c) The Department shall authorize the individual or home care agency and shall guarantee a minimum of 15 calendar days of service provided by such alternative provider, if at the request of the alternative

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provider. A home care agency whose previously held CCP contract was terminated for cause shall not be authorized as an alternative provider.

d) The Department shall make payment on a monthly basis for such services at the rate which would have been paid an individual provider, if an individual is selected by the eligible applicant/client; or at the current CCP homemaker rate usual and customary rate of the home care agency/provider chosen by the eligible applicant/client to provide this service, if a home care agency is selected by the eligible applicant/client.

e) Payment shall continue in accordance with subsection (c) above and only until such time as the Department's contractual provider initiates provision of CCP services to the client, at which time service by the alternative provider shall be immediately terminated. The CCU shall verbally notify the alternative provider and the client of the date upon which service shall be initiated by the Department's contractual provider.

f) Request for payment for services rendered by an individual alternative provider shall be submitted to the Department by the individual providing the service.

g) Payment for services rendered by a home care agency of the eligible applicant's/client's choice shall be made by the Department following submittal by the agency and processing by the Department of billing forms provided to the agency by the Department.

h) Payment shall be authorized in compliance with the State Prompt Payments Act (411 Rev. Stat. 1991 ch. 127, pars. 132-141 et seq.) [30 ILCS 540/1 et seq.].

i) The Department shall be liable for its share of the cost of CCP services, as determined in accordance with Sections 240.855 and 240.870 of this Part.

j) The payment for the monthly expense for care incurred by the client for CCP alternative provider Alternative Provider services shall be the responsibility of the client as set forth in Section 240.875 of this Part.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART P: PROVIDER PROCUREMENT

## Section 240.1605 Procuring Provider Services

a) The services procured pursuant to this Part are considered by the Department to be professional services to protect the health, safety and welfare of the Community Care Program (CCP) clients. Although the Department is not required to competitively bid purchase of care service contracts professional services, in order to maximize competition in the procurement of Community Care Program (CCP) CCP



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services the Department shall, whenever possible, procure these services through use of the Request for Proposal process described in this Subpart.

1) The Department shall solicit proposals for the provision of CCP services in accordance with the procurement cycle specified in Section 240.1610 of this Part.

2) The Department shall also solicit proposals whenever the Department determines it is necessary to ensure that the best interests of the client population are met.

b) If, after evaluation of the responses to the Request for Proposal process, the Department determines not to make an award, or if time does not permit the use of an advertised procurement action, the Department shall secure needed services through any means of selection likely to result in a contract.

1b) The Department shall use the following emergency contracting process to obtain CCP homemaker service. ~~if time does not permit the use of an advertised procurement action as specified in Section 240.1620(a), or if after evaluation of the responses to the Request for Proposal process, the Department determines not to make an award.~~

A) The Department shall contact current CCP providers of homemaker ~~the same or similar~~ service in the emergency contracting area in order to issue a temporary negotiated contract(s) at established fixed unit rates (refer to Subpart S of this Part).

B) If a current CCP homemaker provider(s) in the emergency contracting area will not accept a temporary negotiated contract, the Department shall subsequently contact participants in the previous CCP procurement for that area whose proposals for homemaker ~~the needed~~ service were evaluated and met the minimum requirements.

C) If no participants in the previous CCP procurement will accept a temporary negotiated contract, the Department shall contact current CCP providers of homemaker ~~the same or similar~~ service in geographic areas contiguous to the emergency contracting area.

D) If the Department is unable to issue a temporary negotiated homemaker contract(s) at established fixed unit rates, the Department shall issue a temporary negotiated homemaker contract(s) at alternative unit rates.

iA) The Department shall advertise to obtain ~~solicit~~ sealed bids for alternative unit rates through ~~advertisements in the Official State Newspaper as specified in Section 240.1620(a)(1).~~

iiB) If the Department has insufficient time to solicit for alternative unit rate bids through an advertised procurement, or if the Department determines not to accept an alternative unit rate bid resulting from the

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formal advertised bid solicitation, verbal bids for alternative unit rates shall be solicited from current CCP providers of homemaker ~~the same or similar~~ service in the emergency contracting area.

iii) If a current CCP homemaker provider(s) did/does not submit a verbal bid for an alternative unit rate, or if the Department determines not to accept an alternative unit rate bid, verbal bids shall subsequently be solicited from participants in the previous CCP procurement for that area whose submitted proposals for homemaker ~~the needed~~ services were evaluated and met minimum requirements.

iv) If no participants in the previous CCP procurement submit a verbal bid for alternative unit rates, or if the Department determines not to accept an alternative unit rate bid, the Department shall contact current CCP providers of homemaker ~~the same or similar~~ service in geographic areas contiguous to the emergency contracting area in order to solicit verbal bids for alternative unit rates.

2) The Department shall secure emergency adult day service through any means of selection likely to result in a contract.

3) Contracts issued ~~as a result of the emergency contracting process~~ shall be effective until the County/Sub-Area/Region is opened for a scheduled six 6 year procurement cycle (refer to Section 240.1610 of this Part).

4) ~~if the Department is unable to issue a temporary negotiated contract, the Department shall take action to ensure continuation of service to clients, if possible.~~

c) The Department shall procure services through the emergency contracting process or through any other means of selection likely to result in a contract under the following circumstances:

- 1) service is immediately needed to prevent interruption of services to current clients, and/or
- 2) service is immediately needed to protect a client's health, safety or welfare, and/or
- 3) service is of such a nature or the market place is such that only one provider is reasonably capable and willing to perform the requisite service(s), and/or
- 4) to establish new or additional services in an area in which the Department has determined an underserved population exists.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 240.1930 Fixed Unit Rate of Reimbursement for Homemaker Service

The Department will establish a fixed unit rate of reimbursement for homemaker

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service, exclusive--of--those--services--as--defined--in--Sections-240-270-and  
240-280--the-fixed-unit--rate--of--reimbursement--will--be--published--in--the  
official-State-newspaper.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective  
\_\_\_\_\_)

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1) Heading of the Part: Food Stamps

2) Code Citation: 89 Ill. Adm. Code 121

<u>Section Numbers:</u>	<u>Proposed Action:</u>
121.160	Amendment
121.162	Amendment
121.164	Amendment
121.177	New Section
121.179	New Section
121.184	Amendment
121.188	Amendment
121.220	Amendment
121.225	New Section
121.226	New Section

4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13], P.L. 104-193 and P.L. 105-34.

5) A Complete Description of the Subjects and Issues involved: These proposed amendments implement the Illinois Works Component and the JTPA Employment Services Component. This rulemaking will enable able-bodied adults without dependents (ABAWDs) to meet the work requirement of the Personal Responsibility and Work Opportunity Reconciliation Act (PRORA) of 1996 (P.L. 104-193). In addition, this rulemaking will enable the Department to provide additional services to ABAWDs while meeting the revised food stamp provisions of the recent Balanced Budget Act of 1997 (P.L. 105-34).

Illinois Works Component

The Illinois Works Component is designed to provide participants with a meaningful orientation to work, work experience or training, and to assist them in finding jobs. This rulemaking provides that an individual will be expected to participate fully with all Illinois Works Component requirements to maximize his or her employment potential. The eligibility criteria, participation requirements, administration and contract provisions and the definition of a suitable Illinois Works position are established by these proposed amendments.

JTPA Employment Services Component

The JTPA Employment Services Component is designed to provide participants with a meaningful orientation, assessment and training, and to assist them in finding jobs. This rulemaking provides that an individual is expected to participate fully with all component requirements to maximize his or her employment potential. The eligibility



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criteria, participation requirements and administration and contract provisions are established by these proposed amendments.

Sanctions

As a result of these proposed amendments, failure to report to the Illinois Works or JTPA Employability Services provider when initially called in or referred, failure to participate, or failure to attend one day in any 30-day period, without good cause, will result in a Transitional Assistance Sanction and/or food stamp disqualification.

Supportive Services

Transportation expenses are eligible to be paid to permit participation in the Illinois Works and JTPA Employability Services. However, initial employment expenses will not be authorized for participants in Illinois Works and JTPA Employability Services.

6) Will this proposed rule replace an emergency rule currently in effect?  
Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other amendments pending on this Part? Yes

Section Numbers Proposed Action Illinois Register Citation  
121.182 Amendment 22 Ill. Reg. 8258

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after the date of this issue of the Illinois Register. All requests and comments should be submitted in writing to:

Mrs. Susan Warner Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor, Harris Bldg.  
Springfield, Illinois 62762  
Telephone number: (217) 785-9772  
TTY: (217) 557-1547

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If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: January 1998

The full text of Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Illinois Register on page 10660.

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- 1) Heading of the Part: Effluent Standards
- 2) Code Citation: 35 Ill. Adm. Code 304
- 3) Section Numbers: Proposed Action:  
304.213 Amended
- 4) Statutory Authority: 415 ILCS 5/27

5) A Complete Description of the Subjects and Issues Involved: A more complete description of this regulation may be found in the Board's opinion and order of May 21, 1998 in R98-14. The Board is proposing an amendment to the water pollution control regulations establishing a site-specific rule for ammonia nitrogen discharges from PDV Midwest Refining, L.L.C. into the Chicago Sanitary and Ship Canal in Lemont, Cook County.

- 6) Will this proposed rule replace an emergency rule currently in effect?  
No
- 7) Does this rulemaking contain an automatic repeal date? Yes
- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No

10) Statement of Policy Objectives: The Policy Objectives of this rulemaking are those enumerated in Section 9 and 27 of the Environmental Protection Act. The objective is to protect health and the environment from pollution while providing economically reasonable and technically feasible control options. No units of local government are regulated by this site-specific rule.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments concerning this rulemaking should reference R98-14 and be sent to:

Dorothy Gunn  
Clerk of the Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Questions regarding this proposal may be directed to John C. Knittle at 312-814-3473.

- 12) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses affected: None
- B) Reporting, bookkeeping, or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendments begins on the next page:



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## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE C: WATER POLLUTION

## CHAPTER I: POLLUTION CONTROL BOARD

## PART 304

## EFFLUENT STANDARDS

## SUBPART A: GENERAL EFFLUENT STANDARDS

Section	
304.101	Preamble
304.102	Dilution
304.103	Background Concentrations
304.104	Averaging
304.105	Violation of Water Quality Standards
304.106	Offensive Discharges
304.120	Deoxygenating Wastes
304.121	Bacteria
304.122	Total Ammonia Nitrogen (as N: STORET number 00610)
304.123	Phosphorus (STORET number 00665)
304.124	Additional Contaminants
304.125	pH
304.126	Mercury
304.140	Delays in Upgrading (Repealed)
304.141	NPDES Effluent Standards
304.142	New Source Performance Standards (Repealed)

SUBPART B: SITE SPECIFIC RULES AND  
EXCEPTIONS NOT OF GENERAL APPLICABILITY

Section	
304.201	Wastewater Treatment Plant Discharges of the Metropolitan Water Reclamation District of Greater Chicago
304.202	Chlor-alkali Mercury Discharges in St. Clair County
304.203	Copper Discharges by Olin Corporation
304.204	Schoenberger Creek: Groundwater Discharges
304.205	John Deere Foundry Discharges
304.206	Alton Water Company Treatment Plant Discharges
304.207	Galesburg Sanitary District Deoxygenating Wastes Discharges
304.208	City of Lockport Treatment Plant Discharges
304.209	Wood River Station Total Suspended Solids Discharges
304.210	Alton Wastewater Treatment Plant Discharges
304.211	Discharges From Borden Chemicals and Plastics Operating Limited Partnership Into an Unnamed Tributary of Long Point Slough
304.212	Sanitary District of Decatur Discharges
304.213	PDV Midwest Refining, L.L.C. UNO-VEN Refinery Ammonia Discharge
304.214	Mobil Oil Refinery Ammonia Discharge
304.215	City of Tuscola Wastewater Treatment Facility Discharges

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304.216	Newton Station Suspended Solids Discharges
304.218	City of Pana Phosphorus Discharge
304.219	North Shore Sanitary District Phosphorus Discharges
304.220	East St. Louis Treatment Facility, Illinois-American Water Company
304.221	Ringwood Drive Manufacturing Facility in McHenry County
304.222	Intermittent Discharge of TRC

## SUBPART C: TEMPORARY EFFLUENT STANDARDS

Section	
304.301	Exception for Ammonia Nitrogen Water Quality Violations (Repealed)
304.302	City of Joliet East Side Wastewater Treatment Plant
304.303	Amerock Corporation, Rockford Facility

## APPENDIX A References to Previous Rules

AUTHORITY: Implementing Section 13 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13 and 27].

SOURCE: Filed with the Secretary of State January 1, 1978; amended at 2 Ill. Reg. 30, p. 343, effective July 27, 1978; amended at 2 Ill. Reg. 44, p. 151, effective November 2, 1978; amended at 3 Ill. Reg. 20, p. 95, effective May 17, 1979; amended at 3 Ill. Reg. 25, p. 190, effective June 21, 1979; amended at 4 Ill. Reg. 20, p. 53, effective May 7, 1980; amended at 6 Ill. Reg. 563, effective December 24, 1981; codified at 6 Ill. Reg. 7818; amended at 6 Ill. Reg. 11161, effective September 7, 1982; amended at 6 Ill. Reg. 13750, effective October 26, 1982; amended at 7 Ill. Reg. 3020, effective March 4, 1983; amended at 7 Ill. Reg. 8111, effective June 23, 1983; amended at 7 Ill. Reg. 14515, effective October 14, 1983; amended at 7 Ill. Reg. 14910, effective November 14, 1983; amended at 8 Ill. Reg. 1600, effective January 18, 1984; amended at 8 Ill. Reg. 3687, effective March 14, 1984; amended at 8 Ill. Reg. 8237, effective June 8, 1984; amended at 9 Ill. Reg. 1379, effective January 21, 1985; amended at 9 Ill. Reg. 4510, effective March 22, 1985; peremptory amendment at 10 Ill. Reg. 456, effective December 23, 1985; amended at 11 Ill. Reg. 3117, effective January 28, 1987; amended in R84-13 at 11 Ill. Reg. 7291, effective April 3, 1987; amended in R86-17(A) at 11 Ill. Reg. 14748, effective August 24, 1987; amended in R84-16 at 12 Ill. Reg. 2445, effective January 15, 1988; amended in R83-23 at 12 Ill. Reg. 8658, effective May 10, 1988; amended in R87-27 at 12 Ill. Reg. 9905, effective May 27, 1988; amended in R82-7 at 12 Ill. Reg. 10712, effective June 9, 1988; amended in R85-29 at 12 Ill. Reg. 12064, effective July 12, 1988; amended in R87-22 at 12 Ill. Reg. 13966, effective August 23, 1988; amended in R86-3 at 12 Ill. Reg. 20126, effective November 16, 1988; amended in R84-20 at 13 Ill. Reg. 851, effective January 9, 1989; amended in R85-11 at 13 Ill. Reg. 2060, effective February 6, 1989; amended in R88-1 at 13 Ill. Reg. 5976, effective April 18, 1989; amended in R86-17(B) at 13 Ill. Reg. 7754, effective May 4, 1989; amended in R88-22 at 13 Ill. Reg. 8880, effective May 26, 1989; amended in R87-6 at 14 Ill. Reg. 6777, effective April 24, 1990; amended in R87-36 at 14 Ill. Reg. 9437, effective May

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31, 1990; amended in R88-21(B) at 14 Ill. Reg. 12538, effective July 18, 1990; amended in R84-44 at 14 Ill. Reg. 20719, effective December 11, 1990; amended in R86-14 at 15 Ill. Reg. 241, effective December 18, 1990; amended in R93-8 at 18 Ill. Reg. 267, effective December 23, 1993; amended in R87-33 at 18 Ill. Reg. 11574, effective July 7, 1994; amended in R95-14 at 20 Ill. Reg. 3528, effective February 8, 1996; amended in R94-1(B) at 21 Ill. Reg. 364, effective December 23, 1996; expedited correction in R94-1(B) at 21 Ill. Reg. 6269, effective December 23, 1996; amended in R97-25 at 22 Ill. Reg. 1351, effective December 24, 1997; amended in R97-28 at 22 Ill. Reg. 3512, effective February 3, 1998; amended in R98-14 at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act of July 1, 1994.

## SUBPART B: SITE SPECIFIC RULES AND EXCEPTIONS NOT OF GENERAL APPLICABILITY

## Section 304.213 PDV Midwest Refining, L.L.C. UNO-VEN Refinery Ammonia Discharge

- a) This Section applies to discharges from the PDV Midwest Refining, L.L.C. (PDVMR) UNO-VEN's Refinery, located in Lemont into the Chicago Sanitary and Ship Canal.
- b) The requirements of Section 304.122(b) shall not apply to the discharge. Instead PDVMR UNO-VEN must meet applicable Best Available Technology Economically Achievable (BAT) limitations pursuant to 40 CFR 419.23 (1992) incorporated by reference in subsection (c). PDVMR UNO-VEN shall also meet a monthly average limitation for ammonia nitrogen of 9.4 mg/l and a daily maximum limitation of 26.0 mg/l.
- c) The Board incorporates by reference 40 CFR 419.23 (1992) only as it relates to ammonia nitrogen as N. This incorporation includes no subsequent amendments or editions.
- d) PDVMR UNO-VEN shall continue its efforts to reduce the concentration of ammonia nitrogen in its wastewaters.
- e) PDVMR UNO-VEN shall monitor the nitrogen concentration of its oil feedstocks and report on an annual basis such concentrations to the Agency.
- f) PDVMR UNO-VEN shall submit the reports described in subsection (e) no later than 60 days after the end of a calendar year.
- g) The provisions of this Section shall terminate on December 31, 2008 ±1999.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

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- 1) Heading of the Part: Hazardous Waste Injection Restrictions
- 2) Code citation: 35 Ill. Adm. Code 738
- 3) Section numbers:  
738.101 Amendment  
738.118 Amendment
- 4) Statutory authority: 415 ILCS 5/13, 22.4 and 27.
- 5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's proposed opinion of May 21, 1998 in R97-21/R98-3/R98-5 (consolidated), which opinion is available from the address below. Sections 13 and 22.4(a) of the Environmental Protection Act [415 ILCS 5/13 and 22.4(a)] provide that Sections 5-35 and 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Sections 5-35 and 5-40 of the IAPA, it is not subject to first notice or to second notice review by JCAR.

The R97-21/R98-3/R98-5 proceeding updates Parts 703, 720, 721, 722, 723, 724, 725, 726, 728, and 738 of the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the periods July 1, 1996 through December 31, 1996 (Docket R97-21) and January 1, 1997 through June 30, 1997 (Docket R98-5). It further updates the Illinois underground injection control (UIC) to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period January 1, 1997 through June 30, 1997 (docket R98-3). During this period, USEPA amended its regulations as follows:

Docket R97-21: July 1, 1996 through December 31, 1996 RCRA

## Subtitle C Amendments

61 Fed. Reg. 34251  
(July 1, 1996)

USEPA adopted revisions establishing that only those non-municipal non-hazardous waste disposal units that meet specific standards may receive conditionally exempt small quantity generator (CESQG) hazardous wastes.

61 Fed. Reg. 36419  
(July 10, 1996)

USEPA corrected typographic errors in certain of the April 8, 1996 Phase III land disposal restriction (LDR) amendments.

61 Fed. Reg. 40520  
(August 5, 1996)

USEPA authorized additional segments of the Illinois RCRA Subtitle C hazardous waste program.



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61 Fed. Reg. 43927 (August 26, 1996)  
USEPA adopted emergency amendments to the April 8, 1996 Phase III land disposal restrictions (LDR) treatment standards for carbamate wastes due to analytical problems with those wastes.

61 Fed. Reg. 56631 (November 4, 1996)  
USEPA published a correction to the text of its rules in the Code of Federal Regulations (40 CFR 266.100(c)(3)(i)) due to the fact that segments were missing from the text.

61 Fed. Reg. 59931 (November 25, 1996)  
USEPA adopted "final" organic air emission standards for tanks, surface impoundments, and containers (the "Subpart CC" rules).

Docket R98-3: January 1, 1997 through June 30, 1997 UIC Amendments

62 Fed. Reg. 1834 (January 14, 1997)  
USEPA amended the addresses for its Region V headquarters.

62 Fed. Reg. 25998 (May 12, 1997)  
USEPA adopted the Phase IV land disposal restriction amendments for hazardous waste generated from wood processing operations.

Docket R98-5: January 1, 1997 through June 30, 1997 RCRA Subtitle C Amendments

62 Fed. Reg. 1678 (January 13, 1997)  
USEPA changed the name and ownership of Envirote Corp. in a hazardous waste delisting.

62 Fed. Reg. 1834 (January 14, 1997)  
USEPA amended the addresses for its Region V headquarters.

62 Fed. Reg. 1991 (January 14, 1997)  
USEPA extended the national capacity variance for spent potliners from primary aluminum production (K088 waste) for 6 months.

62 Fed. Reg. 6621 (February 12, 1997)  
USEPA amended various parts of the rules to identify when conventional and chemical military munitions become hazardous waste under RCRA.

62 Fed. Reg. 7502 (February 19, 1997)  
USEPA adopted technical amendments to the tables in the Phase III land disposal restriction rule.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

62 Fed. Reg. 25998 (May 12, 1997)  
USEPA adopted the Phase IV land disposal restriction amendments for hazardous waste generated from wood processing operations.

62 Fed. Reg. 32452 (June 13, 1997)  
USEPA adopted amendments to the hazardous waste testing and monitoring regulations.

62 Fed. Reg. 32974 (June 17, 1997)  
USEPA adopted amendments to hazardous waste regulations regarding delisting of carbamate waste as hazardous under RCRA.

The Board will not need to take action based on the federal actions of July 10, 1996, August 26, 1996, November 25, 1996, January 13, 1997, January 14, 1997 (K088 waste only), February 19, 1997, and June 17, 1997, since we took action in prior actions. No action will be required of the Board on the August 5, 1996 federal authorization of additional elements of the Illinois RCRA Subtitle C hazardous waste program and the Code of Federal Regulations correction of November 4, 1996.

The Board will need to act with regard to the rest of the federal actions-i.e., those of July 1, 1996, January 14, 1997 (change of address only), February 12, 1997, May 12, 1997, and June 13, 1997.

Summary List of Federal Actions Forming the Basis of the Board's Actions in this Docket

61 Fed. Reg. 34251 (July 1, 1996)  
Revisions establishing that only those non-municipal non-hazardous waste disposal units that meet specific standards may receive CESQG hazardous wastes. (RCRA only)

62 Fed. Reg. 1834 (January 14, 1997)  
Amendments to USEPA addresses. (RCRA only)

62 Fed. Reg. 6621 (February 12, 1997)  
Amendments to segments of the rules that identify when conventional and chemical military munitions become hazardous waste under RCRA. (RCRA only)

62 Fed. Reg. 25998 (May 12, 1997)  
Phase IV land disposal restriction amendments for hazardous waste generated from wood processing operations. (RCRA and UIC)

62 Fed. Reg. 32452 (June 13, 1997)  
Amendments to the hazardous waste testing and monitoring regulations. (RCRA only)

Specifically, the segment of the amendments of the broader R97-21/R98-3/R98-5 rulemaking that is involved in Part 738 implements

## POLLUTION CONTROL BOARD

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segments of the May 12, 1997 Phase IV land disposal restrictions rules. The Board has also used the opportunity of amendments to Part 738 to make a number of corrective amendments to the existing text of some provisions. Some of the corrections were requested by JCAR.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical in substance to mandates imposed by federal law.

- 11) Time, place and manner in which interested persons may comment on this Proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R97-21/R98-3/R98-5 and be addressed to:

Ms. Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order from Victoria Agyeman, at 312-814-3620.

- 12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. The amendments involved in the R97-21/R98-3/R98-5 proceeding could affect the scope of affected entities to the extent a small business, small municipality, or not-for-profit corporation is involved in an activity involved in the amendments.

B) Reporting, bookkeeping or other procedures required for compliance:

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The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The amendments involved in the R97-21/R98-3/R98-5 proceeding could affect the burden of complying with the existing reporting, bookkeeping, or other procedures to the extent that an entity is involved in an activity involved in the amendments.

- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. The amendments involved in the R97-21/R98-3/R98-5 proceeding could affect the types of professional skills required for complying with the existing reporting, bookkeeping, or other procedures to the extent that an entity is involved in an activity involved in the amendments.

- 13) Regulatory agenda on which this rulemaking was summarized: July 1997 and January 1998

The full text of the Proposed Amendments begins on the next page:



POLLUTION CONTROL BOARD  
NOTICE OF PROPOSED AMENDMENTS  
TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE G: WASTE DISPOSAL  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER d: UNDERGROUND INJECTION CONTROL AND  
UNDERGROUND STORAGE TANK PROGRAMS

PART 738  
HAZARDOUS WASTE INJECTION RESTRICTIONS  
SUBPART A: GENERAL

- Section  
738.101 Purpose, Scope, and Applicability  
738.102 Definitions  
738.103 Dilution Prohibited as a Substitute for Treatment  
738.104 Case-by-Case Extensions of an Effective Date  
738.105 Waste Analysis

SUBPART B: PROHIBITIONS ON INJECTION

- Section  
738.110 Waste Specific Prohibitions - Solvent Wastes  
738.111 Waste Specific Prohibitions - Dioxin-Containing Wastes  
738.112 Waste Specific Prohibitions - California List Wastes  
738.114 Waste Specific Prohibitions - First Third Wastes  
738.115 Waste Specific Prohibitions - Second Third Wastes  
738.116 Waste Specific Prohibitions - Third Third Wastes  
738.117 Waste-Specific Prohibitions - Newly-Listed Wastes  
738.118 Waste-Specific Prohibitions - Newly-Listed and Identified Wastes

SUBPART C: PETITION STANDARDS AND PROCEDURES

- Section  
738.120 Petitions to Allow Injection of a Prohibited Waste  
738.121 Required Information to Support Petitions  
738.122 Submission, Review and Approval or Denial of Petitions  
738.123 Review of Adjusted Standards  
738.124 Termination of Adjusted Standards

AUTHORITY: Implementing Sections 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13, 22.4 and 27].

SOURCE: Adopted in R89-2 at 14 Ill. Reg. 3059, effective February 20, 1990; amended in R89-11 at 14 Ill. Reg. 11948, effective July 9, 1990; amended in R90-14 at 15 Ill. Reg. 11425, effective July 24, 1991; amended in R92-13 at 17 Ill. Reg. 6190, effective April 5, 1993; amended in R93-6 at 17 Ill. Reg. 15641, effective September 14, 1993; amended in R95-4 at 19 Ill. Reg. 9501, effective June 27, 1995; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 238,

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effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART A: GENERAL

Section 738.101 Purpose, Scope, and Applicability

- a) This Part identifies hazardous wastes that are restricted from disposal into Class I wells and defines those circumstances under which a waste, otherwise prohibited from injection, may be injected.  
b) The requirements of this Part apply to owners or operators of the following Class I wells:  
1) Hazardous waste injection wells that are used to inject hazardous waste; and  
2) Injection wells that are used to inject wastes which once exhibited a prohibited characteristic of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C, at the point of generation, and which no longer exhibit the characteristic at the point of injection.  
c) Wastes otherwise prohibited from injection may continue to be injected:  
1) If an extension from the effective date of a prohibition has been granted pursuant to Section 738.104; or  
2) If an adjusted standard has been granted in response to a petition filed under Section 738.120; or  
3) If the waste is generated by a conditionally exempt small quantity generator, as defined in 35 Ill. Adm. Code 721.105.  
d) A waste that is hazardous only because it exhibits a characteristic of hazardous waste and which is otherwise prohibited from injection under this Part or 35 Ill. Adm. Code 728 is not prohibited from injection if the following is true of the waste:  
1) It is disposed into a non-hazardous or hazardous waste injection well, as defined under 35 Ill. Adm. Code 730.106(a); and  
2) It does not exhibit any prohibited characteristic of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C at the point of injection.

BOARD NOTE: Derived from 40 CFR 148.1 (1996).

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

SUBPART B: PROHIBITIONS ON INJECTION

Section 738.118 Waste-Specific Prohibitions - Newly-Listed and Identified Wastes

- a) Effective August 11, 1997, the wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous waste numbers F032, F034, F035 are prohibited

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from underground injection.

- b) Effective May 12, 1999, the wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous waste numbers F032, F034, F035 that are mixed with radioactive wastes are prohibited from underground injection.

ca) The wastes specified in 35 Ill. Adm. Code 721.132 as having the following USEPA hazardous waste numbers are prohibited from underground injection:

K156  
K157  
K158  
K159  
K160  
K161  
P127  
P128  
P185  
P188  
P189  
P190  
P191  
P192  
P194  
P196  
P197  
P198  
P199  
P201  
P202  
P203  
P204  
P205  
U271  
U277  
U278  
U279  
U280  
U364  
U365  
U366  
U367  
U372  
U373  
U375  
U376  
U377  
U378  
U379  
U381

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U382  
U383  
U384  
U385  
U386  
U387  
U389  
U390  
U391  
U392  
U393  
U394  
U395  
U396  
U400  
U401  
U402  
U403  
U404  
U407  
U409  
U410  
U411

- db) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste number K088 is prohibited from underground injection.  
ec) ~~The~~ ~~On April 07, 1998,~~ ~~the~~ wastes specified in 35 Ill. Adm. Code 721 as having the following USEPA hazardous waste numbers and Mixed TC/Radioactive wastes are prohibited from underground injection:

D018  
D019  
D020  
D021  
D022  
D023  
D024  
D025  
D026  
D027  
D028  
D029  
D030  
D031  
D032  
D033  
D034  
D035  
D036  
D037



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D038  
D039  
D040  
D041  
D042  
D043

(d) The On-~~April-07-1998~~ wastes specified in 35 Ill. Adm. Code 721 as having the following USEPA hazardous waste numbers are prohibited from underground injection:

D001  
D002  
D003

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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1) Heading of the Part: Hazardous Waste Management System: General

2) Code citation: 35 Ill. Adm. Code 720

3) Section numbers:  
720.110 Proposed action:  
720.111 Amendment  
720.111 Amendment

4) Statutory authority: 415 ILCS 5/22.4 and 27.

5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's proposed opinion of May 21, 1998, in R97-21/R98-3/R98-5 (consolidated), which opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act (415 ILCS 5/22.4(a)) provides that Sections 5-35 and 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Sections 5-35 and 5-40 of the IAPA, it is not subject to first notice or to second notice review by JCAR.

The R97-21/R98-3/R98-5 proceeding updates Parts 703, 720, 721, 722, 723, 724, 725, 726, 728, and 738 of the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the periods July 1, 1996 through December 31, 1996 (docket R97-21) and January 1, 1997 through June 30, 1997 (docket R98-5). It further updates the Illinois underground injection control (UIC) rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period January 1, 1997 through June 30, 1997 (docket R98-3). During this period, USEPA amended its regulations as follows:

Docket R97-21: July 1, 1996 through December 31, 1996 RCRA Subtitle C Amendments

61 Fed. Reg. 34251  
(July 1, 1996)

USEPA adopted revisions establishing that only those non-municipal non-hazardous waste disposal units that meet specific standards may receive conditionally exempt small quantity generator (CESQG) hazardous wastes.

61 Fed. Reg. 36419  
(July 10, 1996)

USEPA corrected typographic errors in certain of the April 8, 1996 Phase III land disposal restriction (LDR) amendments.

61 Fed. Reg. 40520  
(August 5, 1996)

USEPA authorized additional segments of the Illinois RCRA Subtitle C hazardous waste program.

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61 Fed. Reg. 43927 (August 26, 1996) USEPA adopted emergency amendments to the April 8, 1996 Phase III land disposal restrictions (LDR) treatment standards for carbamate wastes due to analytical problems with those wastes.

61 Fed. Reg. 56631 (November 4, 1996) USEPA published a correction to the text of its rules in the Code of Federal Regulations (40 CFR 266.100(c)(3)(i)) due to the fact that segments were missing from the text.

61 Fed. Reg. 59931 (November 25, 1996) USEPA adopted "final" organic air emission standards for tanks, surface impoundments, and containers (the "Subpart CC" rules).

## Docket R98-3: January 1, 1997 through June 30, 1997 UIC Amendments

62 Fed. Reg. 1834 (January 14, 1997) USEPA amended the addresses for its Region V headquarters.

62 Fed. Reg. 25998 (May 12, 1997) USEPA adopted the Phase IV land disposal restriction amendments for hazardous waste generated from wood processing operations.

## Docket R98-5: January 1, 1997 through June 30, 1997 RCRA Subtitle C Amendments

62 Fed. Reg. 1678 (January 13, 1997) USEPA changed the name and ownership of Envirote Corp. in a hazardous waste delisting.

62 Fed. Reg. 1834 (January 14, 1997) USEPA amended the addresses for its Region V headquarters.

62 Fed. Reg. 1991 (January 14, 1997) USEPA extended the national capacity variance for spent potliners from primary aluminum production (K088 waste) for 6 months.

62 Fed. Reg. 6621 (February 12, 1997) USEPA amended various parts of the rules to identify when conventional and chemical military munitions become hazardous waste under RCRA.

62 Fed. Reg. 7502 (February 19, 1997) USEPA adopted technical amendments to the tables in the Phase III land disposal restriction rule.

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62 Fed. Reg. 25998 (May 12, 1997) USEPA adopted the Phase IV land disposal restriction amendments for hazardous waste generated from wood processing operations.

62 Fed. Reg. 32452 (June 13, 1997) USEPA adopted amendments to the hazardous waste testing and monitoring regulations.

62 Fed. Reg. 32974 (June 17, 1997) USEPA adopted amendments to hazardous waste regulations regarding delisting of carbamate waste as hazardous under RCRA.

The Board will not need to take action based on the federal actions of July 10, 1996, August 26, 1996, November 25, 1996, January 13, 1997, January 14, 1997 (K088 waste only), February 19, 1997, and June 17, 1997, since we took action in prior actions. No action will be required of the Board on the August 5, 1996 federal authorization of additional elements of the Illinois RCRA Subtitle C hazardous waste program and the Code of Federal Regulations correction of November 4, 1996.

The Board will need to act with regard to the rest of the federal actions-i.e., those of July 1, 1996, January 14, 1997 (change of address only), February 12, 1997, May 12, 1997, and June 13, 1997.

## Summary List of Federal Actions Forming the Basis of the Board's Actions in this Docket

61 Fed. Reg. 34251 (July 1, 1996) Revisions establishing that only those non-municipal non-hazardous waste disposal units that meet specific standards may receive CESQG hazardous wastes. (RCRA only)

62 Fed. Reg. 1834 (January 14, 1997) Amendments to USEPA addresses. (RCRA only)

62 Fed. Reg. 6621 (February 12, 1997) Amendments to segments of the rules that identify when conventional and chemical military munitions become hazardous waste under RCRA. (RCRA only)

62 Fed. Reg. 25998 (May 12, 1997) Phase IV land disposal restriction amendments for hazardous waste generated from wood processing operations. (RCRA and UIC)

62 Fed. Reg. 32452 (June 13, 1997) Amendments to the hazardous waste testing and monitoring regulations. (RCRA only)

Specifically, the segment of the amendments of the broader R97-21/R98-3 rulemaking that is involved in Part 720 incorporates



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the new definitions and incorporations by reference associated with the February 12, 1997 federal military munitions rule and updates the list of documents incorporated by reference in response to the January 13, 1997 federal monitoring and testing methods revisions. The Board has also used the opportunity of amendments to Part 720 to make a number of corrective amendments to the existing text of some provisions. Some of the corrections were requested by JCAR.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? Yes. Section 720.111 is the central listing of documents incorporated by reference for the purposes of 35 Ill. Adm. Code 702 through 739. Several of the amendments involved in R97-21/R98-3/R98-5 in general, and to part 720 in particular, involve updating and otherwise amending, adding, or deleting incorporations by reference.

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical in substance to mandates imposed by federal law.

- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R97-21/R98-3/R98-5 and be addressed to:

Ms. Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order from Victoria Agyeman, at 312-814-3620.

- 12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small

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businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. The amendments involved in the R97-21/R98-3/R98-5 proceeding could affect the scope of affected entities to the extent a small business, small municipality, or not-for-profit corporation is involved in an activity involved in the amendments.

- B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The amendments involved in the R97-21/R98-3/R98-5 proceeding could affect the burden of complying with the existing reporting, bookkeeping, or other procedures to the extent that an entity is involved in an activity involved in the amendments.

- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. The amendments involved in the R97-21/R98-3/R98-5 proceeding could affect the types of professional skills required for complying with the existing reporting, bookkeeping, or other procedures to the extent that an entity is involved in an activity involved in the amendments.

- 13) Regulatory agenda on which this rulemaking was summarized: July 1997 and January 1998

The full text of the Proposed Amendments begins on the next page:

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## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE G: WASTE DISPOSAL

## CHAPTER I: POLLUTION CONTROL BOARD

## SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

## PART 720

## HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

## SUBPART A: GENERAL PROVISIONS

Section  
720.101 Purpose, Scope, and Applicability  
720.102 Availability of Information; Confidentiality of Information  
720.103 Use of Number and Gender

## SUBPART B: DEFINITIONS

Section  
720.110 Definitions  
720.111 References

## SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section  
720.120 Rulemaking  
720.121 Alternative Equivalent Testing Methods  
720.122 Waste Delisting  
720.123 Petitions for Regulation as Universal Waste  
720.130 Procedures for Solid Waste Determinations  
720.131 Solid Waste Determinations  
720.132 Boiler Determinations  
720.133 Procedures for Determinations  
720.140 Additional regulation of certain hazardous waste Recycling Activities on a case-by-case Basis  
720.141 Procedures for case-by-case regulation of hazardous waste Recycling Activities

## APPENDIX A Overview of 40 CFR, Subtitle C Regulations

**AUTHORITY:** Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

**SOURCE:** Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-19 at 7 Ill. Reg. 14015, effective Oct. 12, 1983; amended in R84-9, 53 PCB 131 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in

## POLLUTION CONTROL BOARD

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R86-19 at 10 Ill. Reg. 20630, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 Ill. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7934, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9323, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14446, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9489, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17636, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5625, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20545, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6720, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12160, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17480, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9508, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10929, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 256, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7590, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART B: DEFINITIONS

## Section 720.110 Definitions

When used in 35 Ill. Adm. Code 720 through 726 and 728 only, the following terms have the meanings given below:

"Aboveground tank" means a device meeting the definition of "tank" that is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) is able to be visually inspected.

"Act" or "RCRA" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6901 et seq.)

"Active life" of a facility means the period from the initial receipt of hazardous waste at the facility until the Agency receives certification of final closure.

"Active portion" means that portion of a facility where treatment, storage or disposal operations are being or have been conducted after



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May 19, 1980, and which is not a closed portion. (See also "closed portion" and "inactive portion".)

"Administrator" means the Administrator of the U.S. Environmental Protection Agency or the Administrator's designee.

"Agency" means the Illinois Environmental Protection Agency.

"Ancillary equipment" means any device including, but not limited to, such devices as piping, fittings, flanges, valves and pumps, that is used to distribute, meter or control the flow of hazardous waste from its point of generation to storage or treatment tank(s), between hazardous waste storage and treatment tanks to a point of disposal onsite, or to a point of shipment for disposal off-site.

"Aquifer" means a geologic formation, group of formations or part of a formation capable of yielding a significant amount of groundwater to wells or springs.

"Authorized representative" means the person responsible for the overall operation of a facility or an operational unit (i.e., part of a facility), e.g., the plant manager, superintendent or person of equivalent responsibility.

"Battery" means a device consisting of one or more electrically connected electrochemical cells that is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

"Board" means the Illinois Pollution Control Board.

"Boiler" means an enclosed device using controlled flame combustion and having the following characteristics:

The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids or heated gases; and the unit's combustion chamber and primary energy recovery section(s) ~~Section(s)~~ must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery section(s) ~~Section(s)~~ (such as waterwalls and superheaters) must be physically formed into one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery section(s) ~~Section(s)~~ are joined only by ducts or connections carrying flue gas is not integrally

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designed; however, secondary energy recovery equipment (such as economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section ~~Section~~. The following units are not precluded from being boilers solely because they are not of integral design: process heaters (units that transfer energy directly to a process stream), and fluidized bed combustion units; and

While in operation, the unit must maintain a thermal energy recovery efficiency of at least 60 percent, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

The unit must export and utilize at least 75 percent of the recovered energy, calculated on an annual basis. In this calculation, no credit shall be given for recovered heat used internally in the same unit. (Examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feedwater pumps); or

The unit is one which the Board has determined, on a case-by-case basis, to be a boiler, after considering the standards in Section 720.132.

"Carbon regeneration unit" means any enclosed thermal treatment device used to regenerate spent activated carbon.

"Certification" means a statement of professional opinion based upon knowledge and belief.

"Closed portion ~~portion~~" means that portion of a facility which an owner or operator has closed in accordance with the approved facility closure plan and all applicable closure requirements. (See also "active portion" and "inactive portion".)

"Component" means either the tank or ancillary equipment of a tank system.

"Confined aquifer" means an aquifer bounded above and below by impermeable beds or by beds of distinctly lower permeability than that of the aquifer itself; an aquifer containing confined groundwater.

"Container" means any portable device in which a material is stored, transported, treated, disposed of or otherwise handled.

"Containment building Building" means a hazardous waste management unit that is used to store or treat hazardous waste under the

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provisions of 35 Ill. Adm. Code 724.Subpart DD and 35 Ill. Adm. Code 725.Subpart DD.

"Contingency plan" means a document setting out an organized, planned and coordinated course of action to be followed in case of a fire, explosion or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

"Corrective action management unit" or "CAMU" means an area within a facility that is designated by the Agency under 35 Ill. Adm. Code 724.Subpart S for the purpose of implementing corrective action requirements under 35 Ill. Adm. Code 724.201 and RCRA section 3008(h). A CAMU shall only be used for the management of remediation wastes pursuant to implementing such corrective action requirements at the facility.

BOARD NOTE: USEPA must also designate a CAMU until it grants this authority to the Agency. See the note following 35 Ill. Adm. Code 724.652.

"Corrosion expert" means a person who, by reason of knowledge of the physical sciences and the principles of engineering and mathematics, acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person must be certified as being qualified by the National Association of Corrosion Engineers (NACE) or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control on buried or submerged metal piping systems and metal tanks.

"Designated facility" means a hazardous waste treatment, storage or disposal facility,

Which:

Has received a RCRA permit (or interim status) pursuant to 35 Ill. Adm. Code 702, 703 and 705;

Has received a RCRA permit from USEPA pursuant to 40 CFR 124 and 270 (1992);

Has received a RCRA permit from a state authorized by USEPA pursuant to 40 CFR 271 (1992); or

Is regulated under 35 Ill. Adm. Code 721.106(c)(2) or 266.Subpart F; and

Which has been designated on the manifest by the generator

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pursuant to 35 Ill. Adm. Code 722.120.

If a waste is destined to a facility in a state, other than Illinois, which has been authorized by USEPA pursuant to 40 CFR 271, but which has not yet obtained authorization to regulate that waste as hazardous, then the designated facility must be a facility allowed by the receiving state to accept such waste.

"Destination facility" means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in 35 Ill. Adm. Code 733.113(a) and (c) and 733.133(a) and (c). A facility at which a particular category of universal waste is only accumulated is not a destination facility for the purposes of managing that category of universal waste.

"Dike" means an embankment or ridge of either natural or manmade materials used to prevent the movement of liquids, sludges, solids or other materials.

"Director" means the Director of the Illinois Environmental Protection Agency.

"Discharge" or "hazardous waste discharge" means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying or dumping of hazardous waste into or on any land or water.

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

"Disposal facility" means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water and at which waste will remain after closure. The term disposal facility does not include a corrective action management unit (CAMU) into which remediation wastes are placed.

"Drip pad" means an engineered structure consisting of a curbed, free-draining base, constructed of non-earthen materials and designed to convey preservative kick-back or dripage from treated wood, precipitation and surface water run-on to an associated collection system at wood preserving plants.

"Electric lamp" means the bulb or tube portion of a lighting device specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infrared regions of the electromagnetic spectrum.



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**BOARD NOTE:** The definition of "electric lamp" was added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

"Elementary neutralization unit" means a device which:

Is used for neutralizing wastes which are hazardous only because they exhibit the corrosivity characteristic defined in 35 Ill. Adm. Code 721.122 or are listed in 35 Ill. Adm. Code 721.Subpart D only for this reason; and

Meets the definition of tank, tank system, container, transport vehicle or vessel in this Section.

"EPA hazardous waste number" or "USEPA hazardous waste number" means the number assigned by USEPA EPA to each hazardous waste listed in 35 Ill. Adm. Code 721.Subpart D and to each characteristic identified in 35 Ill. Adm. Code 721.Subpart C.

"EPA identification number" or "USEPA identification number" means the number assigned by USEPA pursuant to 35 Ill. Adm. Code 722 through 725 to each generator, transporter and treatment, storage or disposal facility.

"EPA region" or "USEPA region" means the states and territories found in any one of the following ten regions:

Region I: Maine, Vermont, New Hampshire, Massachusetts, Connecticut and Rhode Island

Region II: New York, New Jersey, Commonwealth of Puerto Rico and the U.S. Virgin Islands

Region III: Pennsylvania, Delaware, Maryland, West Virginia, Virginia and the District of Columbia

Region IV: Kentucky, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina and Florida

Region V: Minnesota, Wisconsin, Illinois, Michigan, Indiana and Ohio

Region VI: New Mexico, Oklahoma, Arkansas, Louisiana and Texas

Region VII: Nebraska, Kansas, Missouri and Iowa

Region VIII: Montana, Wyoming, North Dakota, South Dakota, Utah and Colorado

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Region IX: California, Nevada, Arizona, Hawaii, Guam, American Samoa and Commonwealth of the Northern Mariana Islands

Region X: Washington, Oregon, Idaho and Alaska

"Equivalent method" means any testing or analytical method approved by the Board pursuant to Section 720.120.

"Existing hazardous waste management (HWM) facility" or "existing facility" means a facility which was in operation or for which construction commenced on or before November 19, 1980. A facility had commenced construction if the owner or operator had obtained the federal, state, and local approvals or permits necessary to begin physical construction and either:

A continuous on-site, physical construction program had begun or

The owner or operator had entered into contractual obligations -- which could not be canceled or modified without substantial loss -- for physical construction of the facility to be completed within a reasonable time.

"Existing portion" means that land surface area of an existing waste management unit, included in the original Part A permit application, on which wastes have been placed prior to the issuance of a permit.

"Existing tank system" or "existing component" means a tank system or component that is used for the storage or treatment of hazardous waste and that is in operation, or for which installation has commenced on or prior to July 14, 1986. Installation will be considered to have commenced if the owner or operator has obtained all federal, state, and local approvals or permits necessary to begin physical construction of the site or installation of the tank system and if either:

A continuous on-site physical construction or installation program has begun; or

The owner or operator has entered into contractual obligations -- which cannot be canceled or modified without substantial loss -- for physical construction of the site or installation of the tank system to be completed within a reasonable time.

"Explosives or munitions emergency" means a situation involving the suspected or detected presence of unexploded ordnance (UXO), damaged or deteriorated explosives or munitions, an improvised explosive device (IED), other potentially explosive material or device, or other

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the federal government including any government corporation and the Government Printing Office.

"Federal, state, and local approvals or permits necessary to begin physical construction" means permits and approvals required under federal, state, or local hazardous waste control statutes, regulations or ordinances.

"Final closure" means the closure of all hazardous waste management units at the facility in accordance with all applicable closure requirements so that hazardous waste management activities under 35 Ill. Adm. Code 724 and 725 are no longer conducted at the facility unless subject to the provisions of 35 Ill. Adm. Code 722.134.

"Food-chain crops" means tobacco, crops grown for human consumption and crops grown for feed for animals whose products are consumed by humans.

"Freeboard" means the vertical distance between the top of a tank or surface impoundment dike and the surface of the waste contained therein.

"Free liquids" means liquids which readily separate from the solid portion of a waste under ambient temperature and pressure.

"Generator" means any person, by site, whose act or process produce hazardous waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a hazardous waste to become subject to regulation.

"Groundwater" means water below the land surface in a zone of saturation.

"Hazardous waste" means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

"Hazardous waste constituent" means a constituent which caused the hazardous waste to be listed in 35 Ill. Adm. Code 721.Subpart D, or a constituent listed in 35 Ill. Adm. Code 721.124.

"Hazardous waste management unit" is a contiguous area of land on or in which hazardous waste is placed, or the largest area in which there is significant likelihood of mixing hazardous waste constituents in the same area. Examples of hazardous waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system and a container storage area. A container alone does not constitute a unit; the unit includes containers and the land or pad upon which they are placed.

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potentially harmful military chemical munitions or device, that creates an actual or potential imminent threat to human health, including safety, or the environment, including property, as determined by an explosives or munitions emergency response specialist. Such situations may require immediate and expeditious action by an explosives or munitions emergency response specialist to control, mitigate, or eliminate the threat.

"Explosives or munitions emergency response" means all immediate response activities by an explosives and munitions emergency response specialist to control, mitigate, or eliminate the actual or potential threat encountered during an explosives or munitions emergency. An explosives or munitions emergency response may include in-place render-safe procedures, treatment, or destruction of the explosives or munitions and/or transporting those items to another location to be rendered safe, treated, or destroyed. Any reasonable delay in the completion of an explosives or munitions emergency response caused by a necessary, unforeseen, or uncontrollable circumstance will not terminate the explosives or munitions emergency. Explosives and munitions emergency responses can occur on either public or private lands and are not limited to responses at RCRA facilities.

"Explosives or munitions emergency response specialist" means an individual trained in chemical or conventional munitions or explosives handling, transportation, render-safe procedures, or destruction techniques. Explosives or munitions emergency response specialists include U.S. Department of Defense (U.S. DOD) emergency explosive ordnance disposal (EOD), technical escort unit (TEU), and U.S. DOD-certified civilian or contractor personnel and other federal, state, or local government or civilian personnel who are similarly trained in explosives or munitions emergency responses.

"Facility" means:

All contiguous land and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).

For the purpose of implementing corrective action under 35 Ill. Adm. Code 724.201, all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA. This definition also applies to facilities implementing corrective action under RCRA Section 3008(h).

"Federal agency" means any department, agency or other instrumentality of the federal government, any independent agency or establishment of



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"Inactive portion" means that portion of a facility which is not operated after November 19, 1980. (See also "active portion" and "closed portion".)

"Incinerator" means any enclosed device that:

Uses controlled flame combustion and neither:

Meets the criteria for classification as a boiler, sludge dryer or carbon regeneration unit, nor

Is listed as an industrial furnace; or

Meets the definition of infrared incinerator or plasma arc incinerator.

"Incompatible waste" means a hazardous waste which is unsuitable for:

Placement in a particular device or facility because it may cause corrosion or decay of containment materials (e.g., container inner liners or tank walls); or

Commingling with another waste or material under uncontrolled conditions because the commingling might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, mists, fumes or gases or flammable fumes or gases.

(See 35 Ill. Adm. Code 725.Appendix E for examples.)

"Industrial furnace" means any of the following enclosed devices that are integral components of manufacturing processes and that use thermal treatment to accomplish recovery of materials or energy:

Cement kilns

Lime kilns

Aggregate kilns

Phosphate kilns

Coke ovens

Blast furnaces

Smelting, melting and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces,

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sintering machines, roasters and foundry furnaces)

Titanium dioxide chloride process oxidation reactors

Methane reforming furnaces

Pulping liquor recovery furnaces

Combustion devices used in the recovery of sulfur values from spent sulfuric acid

Halogen acid furnaces (HAFs) for the production of acid from halogenated hazardous waste generated by chemical production facilities where the furnace is located on the site of a chemical production facility, the acid product has a halogen acid content of at least 3%, the acid product is used in a manufacturing process and, except for hazardous waste burned as fuel, hazardous waste fed to the furnace has a minimum halogen content of 20%, as generated

Any other such device as the Agency determines to be an "Industrial Furnace" on the basis of one or more of the following factors:

The design and use of the device primarily to accomplish recovery of material products;

The use of the device to burn or reduce raw materials to make a material product;

The use of the device to burn or reduce secondary materials as effective substitutes for raw materials, in processes using raw materials as principal feedstocks;

The use of the device to burn or reduce secondary materials as ingredients in an industrial process to make a material product;

The use of the device in common industrial practice to produce a material product; and

Other relevant factors.

"Individual generation site" means the contiguous site at or on which one or more hazardous wastes are generated. An individual generation site, such as a large manufacturing plant, may have one or more sources of hazardous waste but is considered a single or individual generation site if the site or property is contiguous.

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"Infrared incinerator" means any enclosed device which uses electric powered resistance heaters as a source of radiant heat followed by an afterburner using controlled flame combustion and which is not listed as an industrial furnace.

"Inground tank" means a device meeting the definition of "tank" whereby a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface area of the tank that is in the ground.

"In operation" refers to a facility which is treating, storing or disposing of hazardous waste.

"Injection well" means a well into which fluids are being injected. (See also "underground injection".)

"Inner liner" means a continuous layer of material placed inside a tank or container which protects the construction materials of the tank or container from the contained waste or reagents used to treat the waste.

"Installation inspector" means a person who, by reason of knowledge of the physical sciences and the principles of engineering, acquired by a professional education and related practical experience, is qualified to supervise the installation of tank systems.

"International shipment" means the transportation of hazardous waste into or out of the jurisdiction of the United States.

"Land treatment facility" means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface; such facilities are disposal facilities if the waste will remain after closure.

"Landfill" means a disposal facility or part of a facility where hazardous waste is placed in or on land and which is not a pile, a land treatment facility, a surface impoundment, an underground injection well, a salt dome formation, a salt bed formation, an underground mine, a cave, or corrective action management unit (CAMU).

"Landfill cell" means a discrete volume of a hazardous waste landfill which uses a liner to provide isolation of wastes from adjacent cells or wastes. Examples of landfill cells are trenches and pits.

"LDS" means leak detection system.

"Leachate" means any liquid, including any suspended components in the liquid, that has percolated through or drained from hazardous waste.

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"Liner" means a continuous layer of natural or manmade materials beneath or on the sides of a surface impoundment, landfill or landfill cell, which restricts the downward or lateral escape of hazardous waste, hazardous waste constituents or leachate.

"Leak-detection system" means a system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of hazardous waste or accumulated liquid in the secondary containment structure. Such a system must employ operational controls (e.g., daily visual inspections for releases into the secondary containment system of aboveground tanks) or consist of an interstitial monitoring device designed to detect continuously and automatically the failure of the primary or secondary containment structure or the presence of a release of hazardous waste into the secondary containment structure.

"Management" or "hazardous waste management" means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery and disposal of hazardous waste.

"Manifest" means the shipping document originated and signed by the generator which contains the information required by 35 Ill. Adm. Code 722.Subpart B.

"Manifest document number" means the USEPA twelve digit identification number assigned to the generator plus a unique five digit document number assigned to the manifest by the generator for recording and reporting purposes.

"Mercury-containing lamp" means an electric lamp into which mercury is purposely introduced by the manufacturer for the operation of the lamp. Mercury-containing lamps include, but are not limited to, fluorescent lamps and high-intensity discharge lamps.

BOARD NOTE: The definition of "mercury-containing lamp" was added pursuant to Section 22.23a of the Act (415 ILCS 5/22.23a) (see P.A. 90-502, effective August 19, 1997).

"Military munitions" means all ammunition products and components produced or used by or for the U.S. Department of Defense or the U.S. Armed Services for national defense and security, including military munitions under the control of the U.S. Department of Defense, the U.S. Coast Guard, the U.S. Department of Energy (U.S. DOE), and National Guard personnel. The term military munitions includes: confined gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries used by U.S. DOD components, including bulk explosive and chemical warfare agents, chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery



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ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, demolition charges, and devices and components of these items and devices. Military munitions do not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components of these items and devices. However, the term does include non-nuclear components of nuclear devices, managed under U.S. DOE's nuclear weapons program after all sanitization operations required under the Atomic Energy Act of 1954, as amended, have been completed.

"Mining overburden returned to the mine site" means any material overlying an economic mineral deposit which is removed to gain access to that deposit and is then used for reclamation of a surface mine.

"Miscellaneous unit" means a hazardous waste management unit where hazardous waste is treated, stored or disposed of and which is not a container, tank, tank system, surface impoundment, pile, land treatment unit, landfill, incinerator, boiler, industrial furnace, underground injection well with appropriate technical standards under 35 Ill. Adm. Code 730, containment building, corrective action management unit (CAMU), or a unit eligible for a research, development and demonstration permit under 35 Ill. Adm. Code 703.231.

"Movement" means that hazardous waste transported to a facility in an individual vehicle.

"New hazardous waste management facility" or "new facility" means a facility which began operation, or for which construction commenced, after November 19, 1980. (See also "Existing hazardous waste management facility".)

"New tank system" or "new tank component" means a tank system or component that will be used for the storage or treatment of hazardous waste and for which installation commenced after July 14, 1986; except, however, for purposes of 35 Ill. Adm. Code 724.293(g)(2) and 725.293(g)(2), a new tank system is one for which construction commences after July 14, 1986. (See also "existing tank system".)

"Onground tank" means a device meeting the definition of "tank" that is situated in such a way that the bottom of the tank is on the same level as the adjacent surrounding surfaces so that the external tank bottom cannot be visually inspected.

"On-site" means the same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a crossroads intersection and access is by crossing as opposed to going along the right-of-way. Noncontiguous properties owned by the same person but

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connected by a right-of-way which he controls and to which the public does not have access is also considered on-site property.

"Open burning" means the combustion of any material without the following characteristics:

Control of combustion air to maintain adequate temperature for efficient combustion;

Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and

Control of emission of the gaseous combustion products.

(See also "incineration" and "thermal treatment".)

"Operator" means the person responsible for the overall operation of a facility.

"Owner" means the person who owns a facility or part of a facility.

"Partial closure" means the closure of a hazardous waste management unit in accordance with the applicable closure requirements of 35 Ill. Adm. Code 724 or 725 at a facility which contains other active hazardous waste management units. For example, partial closure may include the closure of a tank (including its associated piping and underlying containment systems), landfill cell, surface impoundment, waste pile or other hazardous waste management unit, while other units of the same facility continue to operate.

"Person" means an individual, trust, firm, joint stock company, federal agency, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state or any interstate body.

"Personnel" or "facility personnel" means all persons who work at or oversee the operations of a hazardous waste facility and whose actions or failure to act may result in noncompliance with the requirements of 35 Ill. Adm. Code 724 or 725.

"Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or intended for use as a plant regulator, defoliant, or desiccant, other than any article that fulfills one of the following descriptions:

It is a new animal drug under Section 201(v) of the Federal Food, Drug and Cosmetic Act (FFDCA); 21 U.S.C. Section 321(v)),

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incorporated by reference in Section 720.111,

It is an animal drug that has been determined by regulation of the federal Secretary of Health and Human Services pursuant to FFPCA Section 512, incorporated by reference in Section 720.111, to be an exempted new animal drug, or

It is an animal feed under FFPCA Section 201(w) (21 U.S.C. Section 321(w)), incorporated by reference in Section 720.111 that bears or contains any substances described in either of the two preceding subsections of this definition.

BOARD NOTE: The second exception of corresponding 40 CFR 260.10 reads as follows: "Is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug". This is very similar to the language of Section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (FFRA; 7 U.S.C. Section 136(u)). The three exceptions, taken together, appear intended not to include as "pesticide" any material within the scope of federal Food and Drug Administration regulation. The Board codified this provision with the intent of retaining the same meaning as its federal counterpart while adding the definiteness required under Illinois law.

"Pile" means any noncontainerized accumulation of solid, non-flowing hazardous waste that is used for treatment or storage, and that is not a containment building.

"Plasma arc incinerator" means any enclosed device which uses a high intensity electrical discharge or arc as a source of heat followed by an afterburner using controlled flame combustion and which is not listed as an industrial furnace.

"Point source" means any discernible, confined and discrete conveyance including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation or vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

"Publicly owned treatment works" or "POTW" is as defined in 35 Ill. Adm. Code 310.110.

"Qualified groundwater scientist" means a scientist or engineer who has received a baccalaureate or post-graduate degree in the natural sciences or engineering, and has sufficient training and experience in groundwater hydrology and related fields, as demonstrated by state registration, professional certifications or completion of accredited

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university courses that enable the individual to make sound professional judgments regarding groundwater monitoring and containment fate and transport.

BOARD NOTE: "State registration" includes, but is not limited to, registration as a professional engineer with the Department of Professional Regulation, pursuant to 225 ILCS 325/4 and 68 Ill. Adm. Code 1380. "Professional certification" includes, but is not limited to, certification under the certified ground water professional program of the National Ground Water Association.

"Regional Administrator" means the Regional Administrator for the EPA Region in which the facility is located or the Regional Administrator's designee.

"Remediation waste" means all solid and hazardous wastes, and all media (including groundwater, surface water, soils, and sediments) and debris that contain listed hazardous wastes or which themselves exhibit a hazardous waste characteristic which are managed for the purpose of implementing corrective action requirements under 35 Ill. Adm. Code 724.201 and RCRA Section 3008(h). For a given facility, remediation wastes may originate only from within the facility boundary, but may include waste managed in implementing RCRA sections 3004(v) or 3008(h) for releases beyond the facility boundary.

"Replacement unit" means a landfill, surface impoundment or waste pile unit from which all or substantially all of the waste is removed, and which is subsequently reused to treat, store or dispose of hazardous waste. "Replacement unit" does not include a unit from which waste is removed during closure, if the subsequent reuse solely involves the disposal of waste from that unit and other closing units or corrective action areas at the facility, in accordance with a closure or corrective action plan approved by USEPA or the Agency.

"Representative sample" means a sample of a universe or whole (e.g., waste pile, lagoon, groundwater) which can be expected to exhibit the average properties of the universe or whole.

"Runoff" means any rainwater, leachate or other liquid that drains over land from any part of a facility.

"Runon" means any rainwater, leachate or other liquid that drains over land onto any part of a facility.

"Saturated zone" or "zone of saturation" means that part of the earth's crust in which all voids are filled with water.

"SIC Code" means Standard Industrial Code as defined in Standard Industrial Classification Manual, incorporated by reference in Section

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720.111.

"Sludge" means any solid, semi-solid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

"Sludge dryer" means any enclosed thermal treatment device which is used to dehydrate sludge and which has a total thermal input, excluding the heating value of the sludge itself, of 2500 Btu/lb or less of sludge treated on a wet weight basis.

"Small Quantity Generator" means a generator which generates less than 1000 kg of hazardous waste in a calendar month.

"Solid waste" means a solid waste as defined in 35 Ill. Adm. Code 721.102.

"Sorbent" means a material that is used to soak up free liquids by either adsorption or absorption, or both. "Sorb" means to either adsorb or absorb, or both.

"Sump" means any pit or reservoir that meets the definition of tank and those troughs or trenches connected to it that serve to collect hazardous waste for transport to hazardous waste storage, treatment or disposal facilities; except that, as used in the landfill, surface impoundment and waste pile rules, "sump" means any lined pit or reservoir that serves to collect liquids drained from a leachate collection and removal system or leak detection system for subsequent removal from the system.

"State" means any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands.

"Storage" means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of or stored elsewhere.

"Surface impoundment" or "impoundment" means a facility or part of a facility which is a natural topographic depression, manmade excavation or diked area formed primarily of earthen materials (although it may be lined with manmade materials) which is designed to hold an accumulation of liquid wastes or wastes containing free liquids and which is not an injection well. Examples of surface impoundments are holding, storage, settling and aeration pits, ponds and lagoons.

"Tank" means a stationary device, designed to contain an accumulation

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of hazardous waste which is constructed primarily of nonearthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.

"Tank system" means a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.

"Thermal treatment" means the treatment of hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical or biological character or composition of the hazardous waste. Examples of thermal treatment processes are incineration, molten salt, pyrolysis, calcination, wet air oxidation and microwave discharge. (See also "incinerator" and "open burning".)

"Thermostat" means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element and mercury-containing ampules that have been removed from such a temperature control device in compliance with the requirements of 35 Ill. Adm. Code 733.113(c)(2) or 733.133(c)(2).

"Totally enclosed treatment facility" means a facility for the treatment of hazardous waste which is directly connected to an industrial production process and which is constructed and operated in a manner which prevents the release of any hazardous waste or any constituent thereof into the environment during treatment. An example is a pipe in which waste acid is neutralized.

"Transfer facility" means any transportation related facility including loading docks, parking areas, storage areas and other similar areas where shipments of hazardous waste are held during the normal course of transportation.

"Transport vehicle" means a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (trailer, railroad freight car, etc.) is a separate transport vehicle.

"Transportation" means the movement of hazardous waste by air, rail, highway or water.

"Transporter" means a person engaged in the off-site transportation of hazardous waste by air, rail, highway or water.

"Treatability study" means:

A study in which a hazardous waste is subjected to a treatment process to determine:

Whether the waste is amenable to the treatment process;



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What pretreatment (if any) is required;:

The optimal process conditions needed to achieve the desired treatment;:

The efficiency of a treatment process for a specific waste or wastes; OR ---077

The characteristics and volumes of residuals from a particular treatment process.

Also included in this definition for the purpose of 35 Ill. Adm. Code 721.104(e) and (f) exemptions are liner compatibility, corrosion and other material compatibility studies and toxicological and health effects studies. A "treatability study" is not a means to commercially treat or dispose of hazardous waste.

"Treatment" means any method, technique or process, including neutralization, designed to change the physical, chemical or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste or so as to render such waste non-hazardous or less hazardous; safer to transport, store or dispose of; or amenable for recovery, amenable for storage or reduced in volume.

"Treatment zone" means a soil area of the unsaturated zone of a land treatment unit within which hazardous constituents are degraded, transformed or immobilized.

"Underground injection" means the subsurface emplacement of fluids through a bored, drilled or driven well; or through a dug well, where the depth of the dug well is greater than the largest surface dimension. (See also "injection well".)

"Underground tank" means a device meeting the definition of "tank" whose entire surface area is totally below the surface of and covered by the ground.

"Unfit-for-use tank system" means a tank system that has been determined through an integrity assessment or other inspection to be no longer capable of storing or treating hazardous waste without posing a threat of release of hazardous waste to the environment.

"United States" means the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands.

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"Universal waste" means any of the following hazardous wastes that are managed under the universal waste requirement of 35 Ill. Adm. Code 733:

Batteries, as described in 35 Ill. Adm. Code 733.102;

Pesticides, as described in 35 Ill. Adm. Code 733.103;

Thermoplasts, as described in 35 Ill. Adm. Code 733.104; and

Mercury-containing lamps, as described in 35 Ill. Adm. Code 733.107.

BOARD NOTE: Mercury-containing lamps were added as universal waste pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

"Universal waste handler" means either of the following:

A generator (as defined in this Section) of universal waste; or

The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates the universal waste, and sends that universal waste to another universal waste handler, to a destination facility, or to a foreign destination.

"Universal waste handler" does not mean:

A person that treats (except under the provisions of Section 733.113(a) or (c) or 733.133(a) or (c)), disposes of, or recycles universal waste; or

A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

"Universal waste transporter" means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

"Unsaturated zone" or "zone of aeration" means the zone between the land surface and the water table.

"Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

"USDOT" or "Department of Transportation" means the United States

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## Department of Transportation.

"Used oil" means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.

"USEPA" or "EPA" or "U.S.-EPA" means the United States Environmental Protection Agency.

"Vessel" includes every description of watercraft, used or capable of being used as a means of transportation on the water.

"Wastewater treatment unit" means a device which:

Is part of a wastewater treatment facility which has an NPDES permit pursuant to 35 Ill. Adm. Code 309 or a pretreatment permit or authorization to discharge pursuant to 35 Ill. Adm. Code 310; and

Receives and treats or stores an influent wastewater which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or generates and accumulates a wastewater treatment sludge which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103; and

Meets the definition of tank or tank system in this Section.

"Water (bulk shipment)" means the bulk transportation of hazardous waste which is loaded or carried on board a vessel without containers or labels.

"Well" means any shaft or pit dug or bored into the earth, generally of a cylindrical form, and often walled with bricks or tubing to prevent the earth from caving in.

"Well injection" (see See "underground injection").

"Zone of engineering control" means an area under the control of the owner or operator that, upon detection of a hazardous waste release, can be readily cleaned up prior to the release of hazardous waste or hazardous constituents to groundwater or surface water.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 720.111 References

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- a) The following publications are incorporated by reference for the purposes of this Part and 35 Ill. Adm. Code 703 through 705, 721 through 726, 728, 730, 731, 733, 738, and 739:

ACI. Available from the American Concrete Institute, Box 19150, Redford Station, Detroit, Michigan 48219:

ACI 318-83: "Building Code Requirements for Reinforced Concrete", adopted September, 1983.

ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, 212-354-3300:

ANSI B31.3 and B31.4. See ASME/ANSI B31.3 and B31.4.

API. Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005, 202-682-8000:

"Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems", API Recommended Practice 1632, Second Edition, December, 1987.

"Evaporative Loss from External Floating-Roof Tanks", API Publication 2517, Third Edition, February, 1989.

"Guide for Inspection of Refinery Equipment, Chapter XIII, Atmospheric and Low Pressure Storage Tanks", 4th Edition, 1981, reaffirmed December, 1987.

"Installation of Underground Petroleum Storage Systems", API Recommended Practice 1615, Fourth Edition, November, 1987.

APTI. Available from the Air and Waste Management Association, Box 2861, Pittsburgh, PA 15230, 412-232-3444:

APTI Course 415: Control of Gaseous Emissions, USEPA Publication EPA-450/2-81-005, December, 1981.

ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, 212-705-7722:

"Chemical Plant and Petroleum Refinery Piping", ASME/ANSI B31.3 - 1987, as supplemented by B31.3a - 1988 and B31.3b - 1988. Also available from ANSI.

"Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols", ASME/ANSI

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B31.4 - 1986, as supplemented by B31.4a - 1987. Also available from ANSI.

ASTM. Available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, 215-299-5400:

ASTM C94-90, Standard Specification for Ready-Mixed Concrete, approved March 30, 1990.

ASTM D88-87, Standard Test Method for Saybolt Viscosity, April 24, 1981, reapproved January, 1987.

ASTM D93-85, Standard Test Methods for Flash Point by Pensky - Martens Closed Tester, approved October 25, 1985.

ASTM D1946-90, Standard Practice for Analysis of Reformed Gas by Gas Chromatography, approved Approved March 30, 1990.

ASTM D2161-87, Standard Practice for Conversion of Kinematic Viscosity to Saybolt Universal or to Saybolt Furol Viscosity, March 27, 1987.

ASTM D2267-88, Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography, approved November 17, 1988.

ASTM D2382-88, Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method), approved October 31, 1988.

ASTM ~~---B2879-867---Standard---Test---Method---for---Vapor Pressure-Temperature-Relationship-and-Initial-Decomposition Temperature-of-Liquids-by-Isoteniscope, approved-October-31-1986.~~

ASTM D 2879-92, Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, approved 1992.

ASTM D3828-87, Standard Test Methods for Flash Point of Liquids by Set a flash Closed Tester, approved December 14, 1988.

ASTM E168-88, Standard Practices for General Techniques of Infrared Quantitative Analysis, approved May 27, 1988.

ASTM E169-87, Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis, approved February

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1, 1987.

ASTM E260-85, Standard Practice for Packed Column Gas Chromatography, approved June 28, 1985.

ASTM ~~---B926-88---C9---Standard---Test---Methods---for---Preparing Refuse-Derived---Fuel---(RDF)---Samples-for-Analysis-of-Metals Bomb-Acid-Digestion-Method, approved-March-25-1988.~~

ASTM Method G21-70 (1984a) -- Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi.

ASTM Method G22-76 (1984b) -- Standard Practice for Determining Resistance of Plastics to Bacteria.

GPO. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, 202-783-3238:

Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication number SW-846 (Third Edition, November, 1986), as amended by Updates I (July, 1992), II (September, 1994), IIA (August, 1993), and IIB (January, 1995), and III (December, 1996) (Document Number 955-C01-00000-1).

NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, 713-492-0535:

"Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems", NACE Recommended Practice RP-02-85 RP0285-85, approved March, 1985.

NFPA. Available from the National Fire Protection Association, Batterymarch Park, Boston, MA 02269, 617-770-3000 or 800-344-3555:

"Flammable and Combustible Liquids Code" NFPA 30, issued July 17, 1987. Also available from ANSI.

NTIS. Available from the U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield,



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VA 22161, 703-487-4600:

APTI Course 415: Control of Gaseous Emissions, USEPA Publication EPA-450/2-81-005, December, 1981.

"Generic Quality Assurance Project Plan for Land Disposal Restrictions Program", EPA/530-SW-87-011, March 15, 1987. (Document number PB 88-170766.)

"Guideline Guidance on Air Quality Models", Revised 1986. (Document number PB86-245-248 (Guideline) and PB88-150-958 (Supplement), also set forth at 40 CFR 51, Appendix W).

"Methods for Chemical Analysis of Water and Wastes", Third Edition, March, 1983. (Document number PB 84-128677).

"Methods Manual for Compliance with BIF Regulations", December, 1990. (Document number PB91-120-006).

"Petitions to Delist Hazardous Wastes--A Guidance Manual, Second Edition", EPA/530- R-93-007, March, 1993. (Document Number PB 93-169 365).

"Procedures--Manual--for--Ground--Water--Monitoring--at--Solid Waste--Disposal--Facilities", EPA-530/SW-611-1977--(Document number-PB-84-i748207-

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources", October, 1992, Publication Number EPA-450/R-92-019.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication number SW-846 (Third Edition, November, 1986), as amended by Updates I (July, 1992), II (September, 1994), IIA (August, 1993), IIB (January, 1995), and III (December, 1996) (Document Number 955-001-00000-1).

OECD. Organization for Economic Co-operation and Development, Environment Directorate, 2 rue Andre Pascal, 75775 Paris Cedex 16, France):

OECD Guideline for Testing of Chemicals, Method 301B: "CO[2] Evolution (Modified Sturm Test)", adopted 17 July 1992.

Table 2.B of the Annex of OECD Council Decision C(88)90(Final) of 27 May 1988.

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STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, 708-498-1980:

"Standard for Dual Wall Underground Steel Storage Tanks" (1986).

U.S. DOD. Available from the United States Department of Defense:

"DOD Ammunition and Explosive Safety Standards" (DOD 6055.9-STD), as in effect on November 8, 1995.

The Motor Vehicle Inspection Report (DD Form 626), as in effect on November 8, 1995.

Requisition Tracking Form (DD Form 1348), as in effect on November 8, 1995.

The Signature and Talley Record (DD Form 1907), as in effect on November 8, 1995.

Special Instructions for Motor Vehicle Drivers (DD Form 836), as in effect on November 8, 1995.

USEPA. Available from United States Environmental Protection Agency, Office of Drinking Water, State Programs Division, WH 550 E, Washington, D.C. 20460:

"Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells", EPA 570/9-87-002, August, 1987.

USEPA. Available from Receptor Analysis Branch, USEPA (MD-14), Research Triangle Park, NC 27711:

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised", October, 1992, Publication Number EPA-450/R-92-019.

USEPA. Available from RCRA Information Center (RIC), 1235 Jefferson-Davis Highway, first floor, Arlington, VA 22203 (Docket #E-94-IEHF-PFFFF):

OECD Amber List of Wastes, Appendix 4 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1993).

OECD Green List of Wastes, Appendix 3 to the OECD Council

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Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1994).

OECD Red List of Wastes, Appendix 5 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1993).

Table 2.B of the Annex of OECD Council Decision C(88)90(Final) (May 27, 1988).

U.S. GSA. Available from the United States Government Services Administration:

Government Bill of Lading (GBL) (GSA Standard Form 1109), as in effect on November 8, 1995.

b) Code of Federal Regulations. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, 202-783-3238:

10 CFR 20, Appendix B (1997)

40 CFR 51.100(ii) (1997)

40 CFR 51, Appendix Subpart W (1997)

40 CFR 52.741, Appendix B (1997)

40 CFR 60 (1997)

40 CFR 61, Subpart V (1997)

40 CFR 136 (1997)

40 CFR 142 (1997)

40 CFR 220 (1997)

40 CFR 260.20 (1997)

40 CFR 264 (1997)

40 CFR 268, Appendix IX (1997)

40 CFR 302.4, 302.5 and 302.6 (1997)

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40 CFR 761 (1997)

49 CFR 171 (1997)

49 CFR 173 (1997)

49 CFR 178 (1997)

c) Federal Statutes

Section 3004 of the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), as amended through December 31, 1987.

Sections 201(v), 201(w), and 360b(j) of the Federal Food, Drug, and Cosmetic Act (FFDCA; 21 U.S.C. Sections 321(v), 321 (w) and 512(j)), as amended through October 25, 1994.

Section 1412 of the Department of Defense Authorization Act of 1986, Pub. L. 99-145, 50 U.S.C. 1521(j)(1) (1997).

d) This Section incorporates no later editions or amendments.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Identification and Listing of Hazardous Waste

2) Code citation: 35 Ill. Adm. Code 721

3) Section numbers:

- 721.101 Amendment
- 721.102 Amendment
- 721.104 Amendment
- 721.105 Amendment
- 721.106 Amendment
- 721.121 Amendment
- 721.132 Amendment
- 721.133 Amendment
- 721.App. H Amendment
- 721.App. Z Amendment

4) Statutory authority: 415 ILCS 5/22.4 and 27

5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's proposed opinion of May 21, 1998, in R97-21/R98-3/R98-5 (consolidated), which opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Sections 5-35 and 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Sections 5-35 and 5-40 of the APA, it is not subject to first notice or to second notice review by JCAR.

The R97-21/R98-3/R98-5 proceeding updates Parts 703, 720, 721, 722, 723, 724, 725, 726, 728, and 738 of the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the periods July 1, 1996 through December 31, 1996 (docket R97-21) and January 1, 1997 through June 30, 1997 (docket R98-5). It further updates the Illinois underground injection control (UIC) rules respond with amendments adopted by USEPA that appeared in the Federal Register during the period January 1, 1997 through June 30, 1997 (docket R98-3). During this period, USEPA amended its regulations as follows:

Docket R97-21: July 1, 1996 through December 31, 1996 RCRA

Subtitle C Amendments

61 Fed. Reg. 34251  
(July 1, 1996)  
USEPA adopted revisions establishing that only those non-municipal non-hazardous waste disposal units that meet specific standards may receive conditionally exempt small quantity generator (CESQG) hazardous wastes.

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61 Fed. Reg. 36419  
(July 10, 1996)  
USEPA corrected typographic errors in certain of the April 8, 1996 Phase III land disposal restriction (LDR) amendments.

61 Fed. Reg. 40520  
(August 5, 1996)  
USEPA authorized additional segments of the Illinois RCRA Subtitle C hazardous waste program.

61 Fed. Reg. 43927  
(August 26, 1996)  
USEPA adopted emergency amendments to the April 8, 1996 Phase III land disposal restrictions (LDR) treatment standards for carbamate wastes due to analytical problems with those wastes.

61 Fed. Reg. 56631  
(November 4, 1996)  
USEPA published a correction to the text of its rules in the Code of Federal Regulations (40 CFR 266.100(c)(3)(i)) due to the fact that segments were missing from the text.

61 Fed. Reg. 59931  
(November 25, 1996)  
USEPA adopted "final" organic air emission standards for tanks, surface impoundments, and containers (the "Subpart CC" rules).

Docket R98-3: January 1, 1997 through June 30, 1997 UIC Amendments

62 Fed. Reg. 1834  
(January 14, 1997)  
USEPA amended the addresses for its Region V headquarters.

62 Fed. Reg. 25998  
(May 12, 1997)  
USEPA adopted the Phase IV land disposal restriction amendments for hazardous waste generated from wood processing operations.

Docket R98-5: January 1, 1997 through June 30, 1997 RCRA Subtitle

C Amendments

62 Fed. Reg. 1678  
(January 13, 1997)  
USEPA changed the name and ownership of Enviro Corp. in a hazardous waste delisting. USEPA amended the addresses for its Region V headquarters.

62 Fed. Reg. 1834  
(January 14, 1997)  
USEPA extended the national capacity variance for spent potliners from primary aluminum production (K088 waste) for 6 months.

62 Fed. Reg. 1991  
(January 14, 1997)  
USEPA amended various parts of the rules to identify when conventional and chemical military munitions become hazardous waste under RCRA.

62 Fed. Reg. 6621  
(February 12, 1997)  
USEPA adopted technical amendments to the tables in the Phase III land disposal restriction rule.

62 Fed. Reg. 7502  
(February 19, 1997)  
USEPA adopted the Phase IV land disposal restriction amendments for hazardous waste generated from wood processing operations.

62 Fed. Reg. 25998  
(May 12, 1997)



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- 62 Fed. Reg. 32452 (June 13, 1997)  
 USEPA adopted amendments to the hazardous waste testing and monitoring regulations.  
 62 Fed. Reg. 32974 (June 17, 1997)  
 USEPA adopted amendments to hazardous waste regulations regarding delisting of carbamate waste as hazardous under RCRA.

The Board will not need to take action based on the federal actions of July 10, 1996, August 26, 1996, November 25, 1996, January 13, 1997, January 14, 1997 (K088 waste only), February 19, 1997, and June 17, 1997, since we took action in prior actions. No action will be required of the Board on the August 5, 1996 federal authorization of additional elements of the Illinois RCRA Subtitle C hazardous waste program and the Code of Federal Regulations correction of November 4, 1996.

The Board will need to act with regard to the rest of the federal actions i.e., those of July 1, 1996, January 14, 1997 (change of address only), February 12, 1997, May 12, 1997, and June 13, 1997.

Summary List of Federal Actions Forming the Basis of the Board'sActions in this Docket

- 61 Fed. Reg. 34251 (July 1, 1996)  
 Revisions establishing that only those non-municipal non-hazardous waste disposal units that meet specific standards may receive CESQG hazardous wastes. (RCRA only)  
 Amendments to USEPA addresses. (RCRA only)
- 62 Fed. Reg. 1834 (January 14, 1997)  
 62 Fed. Reg. 6621 (February 12, 1997)  
 Amendments to segments of the rules that identify when conventional and chemical military munitions become hazardous waste under RCRA. (RCRA only)  
 Phase IV land disposal restriction amendments for hazardous waste generated from wood processing operations. (RCRA and UTC)
- 62 Fed. Reg. 32452 (June 13, 1997)  
 Amendments to the hazardous waste testing and monitoring regulations. (RCRA only)

Specifically, the segment of the amendments of the broader R97-21/R98-3/R98-5 rulemaking that is involved in 721 implements segments of various of the federal amendments involved in this proceeding. These include the July 1, 1996 CESQG waste rules, the February 12, 1997 military munitions rule, and the May 12, 1997 Phase IV land disposal restrictions. The Board has also used the opportunity of amendments to Part 721 to make a number of corrective amendments to the existing text of some provisions. Some of the corrections were requested by JCAR.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No

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- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? Yes.  
 The existing text of Part 721 includes references to documents incorporated by reference in 35 Ill. Adm. Code 720.111. One of those references is under amendment in this segment of the R97-21/R98-3/R98-5 proceeding. Other references remain unaffected.
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical in substance to mandates imposed by federal law.
- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R97-21/R98-3/R98-5 and be addressed to:

Ms. Dorothy M. Gunn, Clerk  
 Illinois Pollution Control Board  
 State of Illinois Center, Suite 11-500  
 100 W. Randolph St.  
 Chicago, IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order from Victoria Agyeman, at 312-814-3620.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. The amendments involved in the R97-21/R98-3/R98-5 proceeding could affect the scope of affected entities to the extent a small business, small municipality, or not-for-profit corporation is involved in an activity involved in the amendments.

B) Reporting, bookkeeping or other procedures required for compliance:  
 The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The amendments involved in the R97-21/R98-3/R98-5

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proceeding could affect the burden of complying with the existing reporting, bookkeeping, or other procedures to the extent that an entity is involved in an activity involved in the amendments.

- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. The amendments involved in the R97-21/R98-3/R98-5 proceeding could affect the types of professional skills required for complying with the existing reporting, bookkeeping, or other procedures to the extent that an entity is involved in an activity involved in the amendments.

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1997 and January 1998

The full text of the Proposed Amendments begins on the next page:

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## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE G: WASTE DISPOSAL

## CHAPTER I: POLLUTION CONTROL BOARD

## SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

## PART 721

IDENTIFICATION AND LISTING OF  
HAZARDOUS WASTE

## SUBPART A: GENERAL PROVISIONS

Section	Quantity
721.101	Purpose of Scope
721.102	Definition of Solid Waste
721.103	Definition of Hazardous Waste
721.104	Exclusions
721.105	Special Requirements for Hazardous Waste Generated by Small Generators
721.106	Requirements for Recyclable Materials
721.107	Residues of Hazardous Waste in Empty Containers
721.108	PCB Wastes Regulated under TSCA
721.109	Requirements for Universal Waste

SUBPART B: CRITERIA FOR IDENTIFYING THE  
CHARACTERISTICS OF HAZARDOUS WASTE  
AND FOR LISTING HAZARDOUS WASTES

Section	Quantity
721.110	Criteria for Identifying the Characteristics of Hazardous Waste
721.111	Criteria for Listing Hazardous Waste

## SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

Section	Quantity
721.120	General
721.121	Characteristic of Ignitability
721.122	Characteristic of Corrosivity
721.123	Characteristic of Reactivity
721.124	Toxicity Characteristic

## SUBPART D: LISTS OF HAZARDOUS WASTE

Section	Quantity
721.130	General
721.131	Hazardous Wastes From Nonspecific Sources
721.132	Hazardous Waste from Specific Sources
721.133	Discarded Commercial Chemical Products, Off-Specification Species, Container Residues, and Spill Residues Thereof

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## 721.135 Wood Preserving Wastes

APPENDIX A	Representative Sampling Methods
APPENDIX B	Method 1311 Toxicity Characteristic Leaching Procedure (TCLP)
APPENDIX C	Chemical Analysis Test Methods
TABLE A	Analytical Characteristics of Organic Chemicals (Repealed)
TABLE B	Analytical Characteristics of Inorganic Species (Repealed)
TABLE C	Sample Preparation/Sample Introduction Techniques (Repealed)
APPENDIX G	Basis for Listing Hazardous Wastes
APPENDIX H	Hazardous Constituents
APPENDIX I	Wastes Excluded by Administrative Action
TABLE A	Wastes Excluded by U.S. EPA under 40 CFR 260.20 and 260.22 from Non-Specific Sources
TABLE B	Wastes Excluded by USEPA under 40 CFR 260.20 and 260.22 from Specific Sources
TABLE C	Wastes Excluded by U.S. EPA under 40 CFR 260.20 and 260.22 from Commercial Chemical Products, Off-Specification Species, Container Residues, and Soil Residues Thereof
TABLE D	Wastes Excluded by the Board by Adjusted Standard
APPENDIX J	Method of Analysis of Chlorinated Dibenzo-p-Dioxins and Dibenzofurans (Repealed)
APPENDIX Z	Table to Section 721.102

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 4828, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 13999, effective October 12, 1983; amended in R84-34, 61 PCB 247, at 8 Ill. Reg. 24562, effective December 11, 1984; amended in R84-9, at 9 Ill. Reg. 11834, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 998, effective January 2, 1986; amended in R85-2 at 10 Ill. Reg. 8112, effective May 2, 1986; amended in R86-1 at 10 Ill. Reg. 14002, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20647, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6035, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13466, effective August 4, 1987; amended in R87-32 at 11 Ill. Reg. 16598, effective September 30, 1987; amended in R87-5 at 11 Ill. Reg. 19303, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2456, effective January 15, 1988; amended in R87-30 at 12 Ill. Reg. 12070, effective July 12, 1988; amended in R87-39 at 12 Ill. Reg. 13006, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 382, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18300, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14401, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16472, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7950, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9332, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14473, effective September 30, 1991; amended

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in R91-12 at 16 Ill. Reg. 2155, effective January 27, 1992; amended in R91-26 at 16 Ill. Reg. 2600, effective February 3, 1992; amended in R91-13 at 16 Ill. Reg. 9519, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17666, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5650, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20568, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6741, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12175, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17490, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9522, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10963, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 275, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7615, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL

## Section 721.101 Purpose and Scope

a) This Part identifies those solid wastes which are subject to regulation as hazardous wastes under 35 Ill. Adm. Code 702, 703, 705 and 722 through 725 and 728, and which are subject to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6901 et seq.). In this Part:

- 1) Subpart A defines the terms "solid waste" and "hazardous waste," identifies those wastes which are excluded from regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 726 and 728, and establishes special management requirements for hazardous waste produced by conditionally exempt small quantity generators and hazardous waste which is recycled.
- 2) Subpart B sets forth the criteria used to identify characteristics of hazardous waste and to list particular hazardous wastes.
- 3) Subpart C identifies characteristics of hazardous wastes.
- 4) Subpart D lists particular hazardous wastes.
- b) Limitations on definition of solid waste:
  - 1) The definition of solid waste contained in this Part applies only to wastes that also are hazardous for purposes of the regulations implementing Subtitle C of RCRA the Resource-Conservation-and-Recovery-Act. For example, it does not apply to materials (such as non-hazardous scrap, paper, textiles or rubber) that are not otherwise hazardous wastes and that are recycled.
  - 2) This Part identifies only some of the materials which are solid wastes and hazardous wastes under Sections 1004(5), 1004(27) and 7003 of RCRA. A material which is not defined as a solid waste in this Part, or is not a hazardous waste identified or listed in this Part, is still a hazardous waste for purposes of those Sections if, in the case of Section 7003 of RCRA, the statutory elements are established.



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c) For the purposes of Sections 721.102 and 721.106:

- 1) A "spent material" is any material that has been used and as a result of contamination can no longer serve the purpose for which it was produced without processing.
- 2) "Sludge" has the same meaning used in 35 Ill. Adm. Code 720.110.
- 3) A "by-product" is a material that is not one of the primary products of a production process and is not solely or separately produced by the production process. Examples are process residues such as slugs or distillation column bottoms. The term does not include a co-product that is produced for the general public's use and is ordinarily used in the form it is produced by the process.
- 4) A material is "reclaimed" if it is processed to recover a usable product, or if it is regenerated. Examples are recovery of lead values from spent batteries and regeneration of spent solvents.
- 5) A material is "used or reused" if it is either:
  - A) Employed as an ingredient (including use as an intermediate) in an industrial process to make a product (for example, distillation bottoms from one process used as feedstock in another process). However, a material will not satisfy this condition if distinct components of the material are recovered as separate end products (as when metals are recovered from metal-containing secondary materials); or
  - B) Employed in a particular function or application as an effective substitute for a commercial product (for example, spent pickle liquor used as phosphorus precipitant and sludge conditioner in wastewater treatment).
- 6) "Scrap metal" is bits and pieces of metal parts (e.g., bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (e.g., radiators, scrap automobiles, railroad box cars) which when worn or superfluous can be recycled.
- 7) A material is "recycled" if it is used, reused or reclaimed.
- 8) A material is "accumulated speculatively" if it is accumulated before being recycled. A material is not accumulated speculatively, however, if the person accumulating it can show that the material is potentially recyclable and has a feasible means of being recycled; and that -- during the calendar year (commencing on January 1) -- the amount of material that is recycled, or transferred to a different site for recycling, equals at least 75 percent by weight or volume of the amount of that material accumulated at the beginning of the period. In calculating the percentage of turnover, the 75 percent requirement is to be applied to each material of the same type (e.g., slugs from a single smelting process) that is recycled in the same way (i.e., from which the same material is recovered or that is used in the same way). Materials accumulating in units that should be exempt from regulation under Section 721.104(c)

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are not to be included in making the calculation. (Materials that are already defined as solid wastes also are not to be included in making the calculation.)- Materials are no longer in this category once they are removed from accumulation for recycling, however.

- 9) "Excluded scrap metal" is processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal.
  - 10) "Processed scrap metal" is scrap metal that has been manually or physically altered to either separate it into distinct materials to enhance economic value or to improve the handling of materials. Processed scrap metal includes, but is not limited to, scrap metal that has been baled, shredded, sheared, chopped, crushed, flattened, cut, melted, or separated by metal type (i.e., sorted), and fines, drosses and related materials that have been agglomerated. (Note: shredded circuit boards being sent for recycling are not considered processed scrap metal. They are covered under the exclusion from the definition of solid waste for shredded circuit boards being recycled (Section 721.104(a)(13)).)
  - 11) "Home scrap metal" is scrap metal as generated by steel mills, foundries, and refineries, such as turnings, cuttings, punchings, and borings.
  - 12) "Prompt scrap metal" is scrap metal as generated by the metal working/fabrication industries, and it includes such scrap metal as turnings, cuttings, punchings, and borings. Prompt scrap metal is also known as industrial or new scrap metal.
  - d) The Agency has inspection authority pursuant to Section 3007 of RCRA Resource---Conservation---and---Recovery---Act and Section 4 of the Environmental Protection Act.
- (Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 721.102 Definition of Solid Waste

a) Solid waste.

- 1) A solid waste is any discarded material that is not excluded by Section 721.104(a) or that is not excluded pursuant to 35 Ill. Adm. Code 720.130 and 720.131.
- 2) A discarded material is any material that is:
  - A) Abandoned, as explained in subsection (b) below; or
  - B) Recycled, as explained in subsection (c) below; or
  - C) Considered inherently waste-like, as explained in subsection (d) below; or
  - D) A military munition identified as a solid waste in 35 Ill. Adm. Code 726.302.
- b) Materials are solid waste if they are abandoned by being:
  - 1) Disposed of; or

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- 2) Burned or incinerated; or
- 3) Accumulated, stored or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned or incinerated.
- c) Materials are solid wastes if they are recycled -- or accumulated, stored or treated before recycling -- as specified in subsections (c)(1) through (c)(4) below if they are:
- 1) Used in a manner constituting disposal.
    - A) Materials noted with a "yes" in column 1 of the table in Section 721.Appendix Z are solid wastes when they are:
      - i) Applied to or placed on the land in a manner that constitutes disposal; or
      - ii) Used to produce products that are applied to or placed on the land or are otherwise contained in products that are applied to or placed on the land (in which cases the product itself remains a solid waste).
    - B) However, commercial chemical products listed in Section 721.133 are not solid wastes if they are applied to the land and that is their ordinary manner of use.
  - 2) Burned for energy recovery.
    - A) Materials noted with a "yes" in column 2 of the table in Section 721.Appendix Z are solid wastes when they are:
      - i) Burned to recover energy;
      - ii) Used to produce a fuel or are otherwise contained in fuels (in which case the fuel itself remains a solid waste);
      - iii) Contained in fuels (in which case the fuel itself remains a solid waste).
    - B) However, commercial chemical products listed in Section 721.133 are not solid wastes when reclaimed.
  - 3) Reclaimed. Materials noted with a "yes" in column 3 of the table in Section 721.Appendix Z are solid wastes when reclaimed.
  - 4) Accumulated speculatively. Materials noted with "yes" in column 4 of the table in Section 721.Appendix Z are solid wastes when accumulated speculatively.
- d) Inherently waste-like materials. The following materials are solid wastes when they are recycled in any manner:
- 1) Hazardous waste numbers F020, F021 (unless used as an ingredient to make a product at the site of generation), F022, F023, F026, and F028.
  - 2) Secondary materials fed to a halogen acid furnace that exhibit a characteristic of a hazardous waste or are listed as a hazardous waste as defined in Subpart 721-Subparts C or D of this Part, except for brominated material that meets the following criteria:
    - A) The material must contain a bromine concentration of at least 45%;
    - B) The material must contain less than a total of 1% of toxic organic compounds listed in Section 721.Appendix H; and

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- C) The material is processed continually on-site in the halogen acid furnace via direct conveyance (hard piping).
- 3) The following criteria are used to add wastes to the list:
- A) Disposal method or toxicity
    - i) The materials are ordinarily disposed of, burned, or incinerated; or
    - ii) The materials contain toxic constituents listed in Section 721.Appendix H and these constituents are not ordinarily found in raw materials or products for which the materials substitute (or are found in raw materials or products in smaller concentrations) and are not used or reused during the recycling process; and
  - B) The material may pose a substantial hazard to human health and the environment when recycled.
- e) Materials that are not solid waste when recycled.
- 1) Materials are not solid wastes when they can be shown to be recycled by being:
    - A) Used or reused as ingredients in an industrial process to make a product, provided the materials are not being reclaimed; or
    - B) Used or reused as effective substitutes for commercial products; or
    - C) Returned to the original process from which they are generated without first being reclaimed. The materials must be returned as a substitute for feedstock materials. In cases where the original process to which the material is returned is a secondary process, the materials must be managed so there is no placement on the land.
  - 2) The following materials are solid wastes, even if the recycling involves use, reuse, or return to the original process (described in subsections (e)(1)(A) through (e)(1)(C) above):
    - A) Materials used in a manner constituting disposal or used to produce products that are applied to the land; or
    - B) Materials burned for energy recovery; used to produce a fuel, or contained in fuels; or
    - C) Materials accumulated speculatively; or
    - D) Materials listed in subsections (d)(1) and (d)(2) above.
  - f) Documentation of claims that materials are not solid wastes or are conditionally exempt from regulation. Respondents in actions to enforce regulations implementing Subtitle C of RCRA the Resource Conservation--Recovery--Act or Section 21 of the Environmental Protection Act that raise a claim that a certain material is not solid waste or that the material is conditionally exempt from regulation must demonstrate that there is a known market or disposition for the material and that they meet the terms of the exclusion or exemption. In doing so, the person must provide appropriate documentation (such as contracts showing that a second person used the material as an ingredient in a production process) to demonstrate that the material

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is not a waste or that the material is exempt from regulation. In addition, owners or operators of facilities claiming that they actually are recycling materials must show that they have the necessary equipment to do so.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 721.104 Exclusions

- a) Materials that are not solid wastes. The following materials are not solid wastes for the purpose of this Part:

- 1) Sewage:
  - A) Domestic sewage (untreated sanitary wastes that pass through a sewer system); and
  - B) Any mixture of domestic sewage and other waste that passes through a sewer system to publicly-owned treatment works for treatment.
- c) ~~"Domestic--sewage"~~ ~~means untreated sanitary wastes that pass through a sewer system;~~
  - 2) Industrial wastewater discharges that are point source discharges with National Pollutant Discharge Elimination System (NPDES) permits issued by the Agency pursuant to Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309.  
BOARD NOTE: This exclusion applies only to the actual point source discharge. It does not exclude industrial wastewaters while they are being collected, stored, or treated before discharge, nor does it exclude sludges that are generated by industrial wastewater treatment.
  - 3) Irrigation return flows.
  - 4) Source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.).
  - 5) Materials subjected to in-situ mining techniques that are not removed from the ground as part of the extraction process.
  - 6) Pulping liquors (i.e., black liquors liquor) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless accumulated speculatively, as defined in Section 721.101(c).
  - 7) Spent sulfuric acid used to produce virgin sulfuric acid unless it is accumulated speculatively, as defined in Section 721.101(c).
  - 8) Secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process, provided:
    - A) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other compatible enclosed means of conveyance;

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- B) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces or incinerators);
  - C) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed; and
  - D) The reclaimed material is not used to produce a fuel or used to produce products that are used in a manner constituting disposal.
- 9) Wood preserving wastes.
    - A) Spent wood preserving solutions that have been used and which are reclaimed and reused for their original intended purpose; and
    - B) Wastewaters from the wood preserving process that have been reclaimed and which are reused to treat wood.
  - 10) Hazardous waste numbers K060, K087, K141, K142, K143, K144, K145, K147, and K148, and any wastes from the coke by-products processes that are hazardous only because they exhibit the toxicity characteristic specified in Section 721.124, when subsequent to generation these materials are recycled to coke ovens, to the tar recovery process as a feedstock to produce coal tar, or are mixed with coal tar prior to the tar's sale or refining. This exclusion is conditioned on there being no land disposal of the waste from the point it is generated to the point it is recycled to coke ovens, to tar recovery, to the tar refining processes, or prior to when it is mixed with coal.
  - 11) Nonwastewater splash condenser dross residue from the treatment of hazardous waste number K061 in high temperature metals recovery units, provided it is shipped in drums (if shipped) and not land disposed before recovery.
    - 12) Recovered oil from petroleum refining, exploration, and production and from transportation incident thereto that is to be inserted into the petroleum refining process (SIC Code 2911) at or before a point (other than direct insertion into a coker) where contaminants are removed. This exclusion applies to recovered oil stored or transported prior to insertion, except that the oil must not be stored in a manner involving placement on the land and the oil must not be accumulated speculatively before being recycled. Recovered oil is oil that has been reclaimed from secondary materials (such as wastewater) generated from normal petroleum refining, exploration, and production, and from transportation practices. Recovered oil includes oil that is recovered from refinery wastewater collection and treatment systems, oil recovered from oil and gas drilling operations, and oil recovered from wastes removed from crude oil storage tanks. Recovered oil does not include (among other things) oil-bearing hazardous waste listed in Subpart D of this Part (e.g., K048 through K052, F037, and F038). However, oil recovered from such wastes may be considered recovered oil. Recovered oil also does



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not include used oil as defined in 35 Ill. Adm. Code 739.100.

13) Excluded scrap metal (processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal) being recycled.

14) Shredded circuit boards being recycled, provided that they meet the following conditions:

A) The circuit boards are stored in containers sufficient to prevent a release to the environment prior to recovery; and

B) The circuit boards are free of mercury switches, mercury relays and nickel-cadmium batteries and lithium batteries.

b) Solid wastes that are not hazardous wastes. The following solid wastes are not hazardous wastes:

1) Household waste, including household waste that has been collected, transported, stored, treated, disposed, recovered (e.g., refuse-derived fuel), or reused. "Household waste" means any waste material (including garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels, and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas). A resource recovery facility managing municipal solid waste shall not be deemed to be treating, storing, disposing of, or otherwise managing hazardous wastes for the purposes of regulation under this Part, if such facility:

A) Receives and burns only:

- i) Household waste (from single and multiple dwellings, hotels, motels, and other residential sources); and
- ii) Solid waste from commercial or industrial sources that does not contain hazardous waste; and

B) Such facility does not accept hazardous waste and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.

BOARD NOTE: The U.S. Supreme Court determined, in *City of Chicago v. Environmental Defense Fund, Inc.*, 511 U.S. 328, 114 S. Ct. 1588, 128 L. Ed. 2d 302 (1994), that this exclusion and RCRA section 3001(i) (42 U.S.C. 6921(i)) do not exclude the ash from facilities covered by this subsection from regulation as a hazardous waste. At 59 Fed. Reg. 29372 (June 7, 1994), USEPA granted facilities managing ash from such facilities that is determined a hazardous waste under Subpart C of this Part until December 7, 1994 to file a Part A permit application pursuant to 35 Ill. Adm. Code 703.181. At 60 Fed. Reg. 6666 (Feb. 3, 1995), USEPA stated that it interpreted that the point at which ash becomes subject to RCRA Subtitle C regulation is when that material leaves the combustion building (including connected air pollution control equipment).

2) Solid wastes generated by any of the following that are returned

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to the soil as fertilizers:

A) The growing and harvesting of agricultural crops, or

B) The raising of animals, including animal manures.

3) Mining overburden returned to the mine site.

4) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels, except as provided in 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.

5) Drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas, or geothermal energy.

6) Chromium wastes:

A) Wastes that fail the test for the toxicity characteristic (Sections 721.124 and Section 721.124 Appendix B) because chromium is present or which are listed in Subpart D of this Part due to the presence of chromium, that do not fail the test for the toxicity characteristic for any other constituent or which are not listed due to the presence of any other constituent, and that do not fail the test for any other characteristic, if it is shown by a waste generator or by waste generators that:

- i) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium;
- ii) The waste is generated from an industrial process that uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and
- iii) The waste is typically and frequently managed in non-oxidizing environments.

B) Specific wastes that meet the standard in subsection (b)(6)(A) of this Section (so long as they do not fail the test for the toxicity characteristic for any other constituent and do not exhibit any other characteristic) are:

- i) Chrome (blue) trimmings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearing;
- ii) Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearing;
- iii) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearing;

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- through-the-blue;
- iv) Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearing;
- v) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearing;
- vi) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, and through-the-blue;
- vii) Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries; and
- viii) Wastewater treatment sludges from the production of titanium dioxide pigment using chromium-bearing ores by the chloride process.
- 7) Solid waste from the extraction, beneficiation, and processing of ores and minerals (including coal, phosphate rock, and overburden from the mining of uranium ore), except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste. For purposes of this subsection (b)(7), beneficiation of ores and minerals is restricted to the following activities: crushing, grinding, washing, dissolution, crystallization, filtration, sorting, sizing, drying, sintering, pelletizing, briquetting, calcining to remove water or carbon dioxide, roasting, autoclaving or chlorination in preparation for leaching (except where the roasting or autoclaving or chlorination and leaching sequence produces a final or intermediate product that does not undergo further beneficiation or processing), gravity concentration, magnetic separation, electrostatic separation, floatation, ion exchange, solvent extraction, electrowinning, precipitation, amalgamation, and heap, dump, vat tank, and in situ leaching. For the purposes of this subsection (b)(7), solid waste from the processing of ores and minerals includes only the following wastes:
- Slag from primary copper processing,
  - Slag from primary lead processing,
  - Red and brown muds from bauxite refining,
  - Phosphogypsum from phosphoric acid production,
  - Slag from elemental phosphorus production,
  - Gasifier ash from coal gasification,
  - Process wastewater from coal gasification,
  - Calcium sulfate wastewater treatment plant sludge from

- Primary copper processing,
  - Slag tailings from primary copper processing,
  - Fluorogypsum from hydrofluoric acid production,
  - Process wastewater from hydrofluoric acid production,
  - Air pollution control dust or sludge from iron blast furnaces,
  - Iron blast furnace slag,
  - Treated residue from roasting and leaching of chrome ore,
  - Process wastewater from primary magnesium processing by the anhydrous process,
  - Process wastewater from phosphoric acid production,
  - Basic oxygen furnace and open hearth furnace air pollution control dust or sludge from carbon steel production,
  - Basic oxygen furnace and open hearth furnace slag from carbon steel production,
  - Chloride processing waste solids from titanium tetrachloride production, and
  - Slag from primary zinc smelting.
- 8) Cement kiln dust waste, except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.
- 9) Solid waste that consists of discarded arsenical-treated wood or wood products that fails the test for the toxicity characteristic for hazardous waste codes D004 through D017 and which is not a hazardous waste for any other reason if the waste is generated by persons that utilize the arsenical-treated wood and wood products for these materials' intended end use.
- 10) Petroleum-contaminated media and debris that fail the test for the toxicity characteristic of Section 721.124 (hazardous waste codes D018 through D043 only) and which are subject to corrective action regulations under 35 Ill. Adm. Code 731.
- 11) This subsection corresponds with 40 CFR 261.4(b)(11), which expired by its own terms on January 25, 1993. This statement maintains structural parity with USEPA regulations.
- 12) Used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems that uses chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use.
- 13) Non-terrestrial plated used oil filters that are not mixed with wastes listed in Subpart D of this Part, if these oil filters have been gravity hot-drained using one of the following methods:
- Puncturing the filter anti-drain back valve or the filter dome end and hot-draining;
  - Hot-draining and crushing;
  - Dismantling and hot-draining; or
  - Any other equivalent hot-draining method that will remove used oil.

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14) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products.

- c) Hazardous wastes that are exempted from certain regulations. A hazardous waste that is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit, or an associated non-waste-treatment manufacturing unit, is not subject to regulation under 35 Ill. Adm. Code 702, 703, 705, and 722 through 725, and 728 or to the notification requirements of Section 3010 of RCRA until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing or for storage or transportation of product or raw materials.
- d) Samples.

1) Except as provided in subsection (d)(2) of this Section, a sample of solid waste or a sample of water, soil, or air that is collected for the sole purpose of testing to determine its characteristics or composition is not subject to any requirements of this Part or 35 Ill. Adm. Code 702, 703, 705 and 722 through 728. The sample qualifies when:

- A) The sample is being transported to a laboratory for the purpose of testing;
  - B) The sample is being transported back to the sample collector after testing;
  - C) The sample is being stored by the sample collector before transport to a laboratory for testing;
  - D) The sample is being stored in a laboratory before testing;
  - E) The sample is being stored in a laboratory for testing but before it is returned to the sample collector; or
  - F) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action where further testing of the sample may be necessary).
- 2) In order to qualify for the exemption in subsection (d)(1)(A) or (d)(1)(B) of this Section, a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector shall:

- A) Comply with U.S. Department of Transportation (USDOT 607), U.S. Postal Service (USPS), or any other applicable shipping requirements; or
- B) Comply with the following requirements if the sample collector determines that USDOT 607, USPS, or other shipping requirements do not apply to the shipment of the sample:
  - i) Assume that the following information accompanies the sample: The sample collector's name, mailing address, and telephone number; the laboratory's name, mailing address, and telephone number; the quantity of the

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sample; the date of the shipment; and a description of the sample.

- ii) Package the sample so that it does not leak, spill, or vaporize from its packaging.

3) This exemption does not apply if the laboratory determines that the waste is hazardous but the laboratory is no longer meeting any of the conditions stated in subsection (d)(1) of this Section.

e) Treatability study samples.

1) Except as is provided in subsection (e)(2) of this Section, a person that generates or collects samples for the purpose of conducting treatability studies, as defined in 35 Ill. Adm. Code 720.110, are not subject to any requirement of 35 Ill. Adm. Code 721 through 723 or to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act. Nor are such samples included in the quantity determinations of Section 721.105 and 35 Ill. Adm. Code 722.134(d) when:

- A) The sample is being collected and prepared for transportation by the generator or sample collector;
  - B) The sample is being accumulated or stored by the generator or sample collector prior to transportation to a laboratory or testing facility; or
  - C) The sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study.
- 2) The exemption in subsection (e)(1) of this Section is applicable to samples of hazardous waste being collected and shipped for the purpose of conducting treatability studies provided that:

- A) The generator or sample collector uses (in "treatability studies") no more than 10,000 kg of media contaminated with non-acute hazardous waste, 1000 kg of non-acute hazardous waste other than contaminated media, 1 kg of acute hazardous waste, or 2500 kg of media contaminated with acute hazardous waste for each process being evaluated for each generated wastestream;
- B) The mass of each shipment does not exceed 10,000 kg; the 10,000 kg quantity may be all media contaminated with non-acute hazardous waste, or may include 2500 kg of media contaminated with acute hazardous waste, 1000 kg of hazardous waste, and 1 kg of acute hazardous waste;
- C) The sample must be packaged so that it does not leak, spill, or vaporize from its packaging during shipment and the requirements of subsections (e)(2)(C)(i) or (e)(2)(C)(ii) of this Section are met.
  - i) The transportation of each sample shipment complies with U.S. Department of Transportation (USDOT 607), U.S. Postal Service (USPS), or any other applicable shipping requirements; or
  - ii) If the USDOT 607, USPS, or other shipping requirements



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do not apply to the shipment of the sample, the following information must accompany the sample: The name, mailing address, and telephone number of the originator of the sample; the name, address, and telephone number of the facility that will perform the treatability study; the quantity of the sample; the date of the shipment; and, a description of the sample, including its USEPA hazardous waste number;

D) The sample is shipped to a laboratory or testing facility that is exempt under subsection (f) of this Section, or has an appropriate RCRA permit or interim status;

E) The generator or sample collector maintains the following records for a period ending three years after completion of the treatability study:

- i) Copies of the shipping documents;
  - ii) A copy of the contract with the facility conducting the treatability study;
  - iii) Documentation showing: The amount of waste shipped under this exemption; the name, address, and USEPA identification number of the laboratory or testing facility that received the waste; the date the shipment was made; and whether or not unused samples and residues were returned to the generator; and
- F) The generator reports the information required in subsection (e)(2)(E)(iii) of this Section in its report under 35 Ill. Adm. Code 722.141.

- 3) The Agency may grant requests on a case-by-case basis for up to an additional two years for treatability studies involving bioremediation. The Agency may grant requests, on a case-by-case basis, for quantity limits in excess of those specified in subsections (e)(2)(A), (e)(2)(B), and (f)(4) of this Section, for up to an additional 5000 kg of media contaminated with non-acute hazardous waste, 500 kg of non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste, and 1 kg of acute hazardous waste:

A) In response to requests for authorization to ship, store, and conduct further treatability studies on additional quantities in advance of commencing treatability studies. Factors to be considered in reviewing such requests include the nature of the technology, the type of process (e.g., batch versus continuous), the size of the unit undergoing testing (particularly in relation to scale-up considerations), the time or quantity of material required to reach steady-state operating conditions, or test design considerations, such as mass balance calculations.

B) In response to requests for authorization to ship, store, and conduct treatability studies on additional quantities after initiation or completion of initial treatability

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studies when: There has been an equipment or mechanical failure during the conduct of the treatability study, there is need to verify the results of a previously-conducted treatability study, there is a need to study and analyze alternative techniques within a previously-evaluated treatment process, or there is a need to do further evaluation of an ongoing treatability study to determine final specifications for treatment.

C) The additional quantities allowed and timeframes allowed in subsections (e)(3)(A) and (e)(3)(B) of this Section are subject to all the provisions in subsections (e)(1) and (e)(2)(B) through (e)(2)(F) of this Section. The generator or sample collector shall apply to the Agency and provide in writing the following information:

- i) The reason why the generator or sample collector requires additional time or quantity of sample for the treatability study evaluation and the additional time or quantity needed;
- ii) Documentation accounting for all samples of hazardous waste from the wastestream that have been sent for or undergone treatability studies, including the date each previous sample from the waste stream was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results of each treatability study;
- iii) A description of the technical modifications or change in specifications that will be evaluated and the expected results;
- iv) If such further study is being required due to equipment or mechanical failure, the applicant shall include information regarding the reason for the failure or breakdown and also include what procedures or equipment improvements have been made to protect against further breakdowns; and
- v) Such other information as the Agency determines is necessary.

- 4) Final Agency determinations pursuant to this subsection (e) may be appealed to the Board.
- f) Samples undergoing treatability studies at laboratories or testing facilities. Samples undergoing treatability studies and the laboratory or testing facility conducting such treatability studies (to the extent such facilities are not otherwise subject to RCRA requirements) are not subject to any requirement of this Part, or of 35 Ill. Adm. Code 702, 703, 705, 722 through 726, and 728 or to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act, provided that the requirements of subsections (f)(1)

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- C) The quantity of waste accepted;
- D) The quantity of "as received" waste in storage each day;
- E) The date the treatment study was initiated and the amount of "as received" waste introduced to treatment each day;
- F) The date the treatability study was concluded;
- G) The date any unused sample or residues generated from the treatability study were returned to the generator or sample collector or, if sent to a designated facility, the name of the facility and the USEPA identification number.

8) The facility keeps, on-site, a copy of the treatability study contract and all shipping papers associated with the transport of treatability study samples to and from the facility for a period ending three years from the completion date of each treatability study.

9) The facility prepares and submits a report to the Agency by March 15 of each year that estimates the number of studies and the amount of waste expected to be used in treatability studies during the current year, and includes the following information for the previous calendar year:

- A) The name, address, and USEPA identification number of the facility conducting the treatability studies;
- B) The types (by process) of treatability studies conducted;
- C) The names and addresses of persons for whom studies have been conducted (including their USEPA identification numbers);
- D) The total quantity of waste in storage each day;
- E) The quantity and types of waste subjected to treatability studies;
- F) When each treatability study was conducted; and
- G) The final disposition of residues and unused sample from each treatability study.

10) The facility determines whether any unused sample or residues generated by the treatability study are hazardous waste under Section 721.103 and, if so, are subject to 35 Ill. Adm. Code 702, 703, and 721 through 728, unless the residues and unused samples are returned to the sample originator under the exemption of subsection (e) of this Section.

11) The facility notifies the Agency by letter when the facility is no longer planning to conduct any treatability studies at the site.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 721.105 Special Requirements for Hazardous Waste Generated by Small Quantity Generators**

- a) A generator is a conditionally exempt small quantity generator in a

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through (f)(11) of this Section are met. A mobile treatment unit may qualify as a testing facility subject to subsections (f)(1) through (f)(11) of this Section. Where a group of mobile treatment units are located at the same site, the limitations specified in subsections (f)(1) through (f)(11) of this Section apply to the entire group of mobile treatment units collectively as if the group were one mobile treatment unit.

1) No less than 45 days before conducting treatability studies, the facility notifies the Agency in writing that it intends to conduct treatability studies under this subsection (f).

2) The laboratory or testing facility conducting the treatability study has a USEPA identification number.

3) No more than a total of 10,000 kg of "as received" media contaminated with non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste, or 250 kg of other "as received" hazardous waste is subject to initiation of treatment in all treatability studies in any single day. "As received" waste refers to the waste as received in the shipment from the generator or sample collector.

4) The quantity of "as received" hazardous waste stored at the facility for the purpose of evaluation in treatability studies does not exceed 10,000 kg, the total of which can include 10,000 kg of media contaminated with non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste, 1000 kg of non-acute hazardous wastes other than contaminated media, and 1 kg of acute hazardous waste. This quantity limitation does not include treatment materials (including nonhazardous solid waste) added to "as received" hazardous waste.

5) No more than 90 days have elapsed since the treatability study for the sample was completed, or no more than one year (two years for treatability studies involving bioremediation) has elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs. Up to 500 kg of treated material from a particular waste stream from treatability studies may be archived for future evaluation up to five years from the date of initial receipt. Quantities of materials archived are counted against the total storage limit for the facility.

6) The treatability study does not involve the placement of hazardous waste on the land or open burning of hazardous waste.

7) The facility maintains records three years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. The following specific information must be included for each treatability study conducted:

- A) The name, address, and USEPA identification number of the generator or sample collector of each waste sample;
- B) The date the shipment was received;

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calendar month if it generates no more than 100 kilograms of hazardous waste in that month. 35 Ill. Adm. Code 700 explains the relation of this to the 100 kg/mo exception of 35 Ill. Adm. Code 809.

- b) Except for these wastes identified in subsections (e), (f), (g) and (j) of this Section, a conditionally exempt small quantity generator's hazardous wastes are not subject to regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 726 and 728, and the notification requirements of section Section 3010 of Resource Conservation and Recovery Act, provided the generator complies with the requirements of subsections (f), (g) and (j) of this Section.

- c) When making the quantity determinations of this Part and 35 Ill. Adm. Code 722, the generator must include all hazardous waste that it generates, except the following hazardous waste:

- 1) Hazardous waste that is except from regulation under Section 721.104(c) through (f), 721.106(a)(3), 721.107(a)(1), or 721.108;
- 2) Hazardous waste that is managed immediately upon generation only in on-site elementary neutralization units, wastewater treatment units, or totally enclosed treatment facilities, as defined in 35 Ill. Adm. Code 720.110;
- 3) Hazardous waste that is recycled, without prior storage or accumulation, only in an on-site process subject to regulation under Section 721.106(c)(2);
- 4) Hazardous waste that is used oil managed under the requirements of Section 721.106(a)(4) and 35 Ill. Adm. Code 739;
- 5) Hazardous waste that is spent lead-acid batteries managed under the requirements of 35 Ill. Adm. Code 726.Subpart G; and
- 6) Hazardous waste that is universal waste managed under Section 721.109 and 35 Ill. Adm. Code 733.

- d) In determining the quantity of hazardous waste it generates, a generator need not include:

- 1) Hazardous waste when it is removed from on-site storage; or
- 2) Hazardous waste produced by on-site treatment (including reclamation) of its hazardous waste so long as the hazardous waste that is treated was counted once; or
- 3) Spent materials that are generated, reclaimed and subsequently reused on-site, so long as such spent materials have been counted once.

- e) If a generator generates acute hazardous waste in a calendar month in quantities greater than set forth below, all quantities of that acute hazardous waste are subject to full regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 726 and 728, and the notification requirements of section Section 3010 of the Resource Conservation and Recovery Act:

- 1) A total of one kilogram of one or more of the acute hazardous wastes listed in Section 721.131, 721.132, or 721.133(e); or
- 2) A total of 100 kilograms of any residue or contaminated soil, waste or other debris resulting from the clean-up of a spill, into or on any land or water, of any one or more of the acute

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hazardous wastes listed in Section 721.131, 721.132, or 721.133(e).

BOARD NOTE: "Full regulation" means those regulations applicable to generators of greater than 1000 kg of non-acute hazardous waste in a calendar month.

- f) In order for acute hazardous wastes generated by a generator of acute hazardous wastes in quantities equal to or less than those set forth in subsection (e)(1) or (e)(2) of this Section to be excluded from full regulation under this Section, the generator must comply with the following requirements:

- 1) 35 Ill. Adm. Code 722.111.
- 2) The generator may accumulate acute hazardous waste on-site. If the generator accumulates at any time acute hazardous wastes in quantities greater than set forth in subsection (e)(1) or (e)(2) of this Section, all of those accumulated wastes are subject to regulation under 35 Ill. Adm. Code 702, 703, 705 and 722 through 726 and 728, and the applicable notification requirements of section Section 3010 of the Resource Conservation and Recovery Act. The time period of 35 Ill. Adm. Code 722.134(a), for accumulation of wastes on-site, begins when the accumulated wastes exceed the applicable exclusion limit.
- 3) A conditionally exempt small quantity generator may either treat or dispose of its acute hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility, 7 any of which, if located in the United States, meets any of the following conditions:
  - A) The facility is permitted under 35 Ill. Adm. Code 702 and 703;
  - B) The facility has interim status under 35 Ill. Adm. Code 702, 703 and 725;
  - C) The facility is authorized to manage hazardous waste by a state with a hazardous waste management program approved by USEPA pursuant to 40 CFR 271;
  - D) The facility is permitted, licensed, or registered by a state to manage municipal or industrial solid waste and, if managed in a municipal solid waste landfill facility, the landfill is subject to 35 Ill. Adm. Code 810 through 814 or 40 CFR 258;
  - E) The facility is permitted, licensed, or registered by a state to manage non-municipal non-hazardous waste and, if managed in a non-municipal non-hazardous waste disposal unit, the unit is subject to the requirements of 40 CFR 257.5 through 257.30;

BOARD NOTE: The Illinois non-hazardous waste landfill regulations, 35 Ill. Adm. Code 810 through 814, do not allow the disposal of hazardous waste in a landfill regulated under those rules. The Board intends that subsections (f)(3)(D) and (f)(3)(E) of this Section impose a federal



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requirement on the hazardous waste generator. The Board specifically does not intend that these subsections authorize any disposal of conditionally-exempt small quantity generator waste in a landfill not specifically permitted to accept the particular hazardous waste.

**FB)** The facility is one a-facility that:

- i) Beneficially uses or reuses or legitimately recycles or reclaims its waste; or
  - ii) Treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation; or
- GP)** For universal waste managed under 35 Ill. Adm. Code 733 or 40 CFR 273, the facility is a universal waste handler or destination facility subject to the requirements of 35 Ill. Adm. Code 733 or 40 CFR 273.

9) In order for hazardous waste generated by a conditionally exempt small quantity generator in quantities of less than 100 kilograms of hazardous waste during a calendar month to be excluded from full regulation under this Section, the generator must comply with the following requirements:

- 1) 35 Ill. Adm. Code 722.111;
- 2) The conditionally exempt small quantity generator may accumulate hazardous waste on-site. If it accumulates at any time more than a total of 1000 kilograms of the generator's hazardous waste, all of those accumulated wastes are subject to regulation under the special provisions of 35 Ill. Adm. Code 722 applicable to generators of between 100 kg and 1000 kg of hazardous waste in a calendar month as well as the requirements of 35 Ill. Adm. Code 702, 703, 705 and 723 through 726 and 728, and the applicable notification requirements of section Section 3010 of the Resource Conservation and Recovery Act. The time period of 35 Ill. Adm. Code 722.134(d) for accumulation of wastes on-site begins for a small quantity generator when the accumulated wastes exceed 1000 kilograms;

3) A conditionally exempt small quantity generator may either treat or dispose of its hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility, any of which, if located in the United States, meets any of the following conditions:

- A) The facility is permitted under 35 Ill. Adm. Code 702 and 703;
- B) The facility has interim status under 35 Ill. Adm. Code 702, 703 and 725;
- C) The facility is authorized to manage hazardous waste by a state with a hazardous waste management program approved by USEPA under 40 CFR 271 (1986);
- D) The facility is permitted, licensed, or registered by a state to manage municipal or industrial solid waste and, if managed in a municipal solid waste landfill facility, the

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landfill is subject to 35 Ill. Adm. Code 810 through 814 or 40 CFR 258;

- E) The facility is permitted, licensed, or registered by a state to manage non-municipal non-hazardous waste and, if managed in a non-municipal non-hazardous waste disposal unit, the unit is subject to the requirements of 40 CFR 257.5 through 257.30;

**BOARD NOTE:** The Illinois non-hazardous waste landfill regulations, 35 Ill. Adm. Code 810 through 814, do not allow the disposal of hazardous waste in a landfill regulated under those rules. The Board intends that subsections (g)(3)(D) and (g)(3)(E) of this Section impose a federal requirement on the hazardous waste generator. The Board specifically does not intend that these subsections authorize any disposal of conditionally-exempt small quantity generator waste in a landfill not specifically permitted to accept the particular hazardous waste.

**FB)** The facility is one a-facility that:

- i) Beneficially uses or re-uses, or legitimately recycles or reclaims the small quantity generator's waste; or
  - ii) Treats its waste prior to beneficial use or re-use, or legitimate recycling or reclamation; or
- GP)** For universal waste managed under 35 Ill. Adm. Code 733 or 40 CFR 273, the facility is a universal waste handler or destination facility subject to the requirements of 35 Ill. Adm. Code 733 or 40 CFR 273.

h) Hazardous waste subject to the reduced requirements of this Section may be mixed with non-hazardous waste and remain subject to these reduced requirements even though the resultant mixture exceeds the quantity limitations identified in this Section, unless the mixture meets any of the characteristics of hazardous wastes identified in Subpart C.

i) If a small quantity generator mixes a solid waste with a hazardous waste that exceeds a quantity exclusion level of this Section, the mixture is subject to full regulation.

j) If a conditionally exempt small quantity generator's hazardous wastes are mixed with used oil, the mixture is subject to 35 Ill. Adm. Code 739, if it is destined to be burned for energy recovery. Any material produced from such a mixture by processing, blending, or other treatment is also so regulated if it is destined to be burned for energy recovery.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 721.106 Requirements for Recyclable Materials

- a) Recyclable materials:

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- 1) Hazardous wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities of subsections (b) and (c) of this Section, except for the materials listed in subsections (a)(2) and (a)(3) of this Section. Hazardous wastes that are recycled will be known as "recyclable materials".
- 2) The following recyclable materials are not subject to the requirements of this Section but are regulated under 35 Ill. Adm. Code 726.Subparts C through H and all applicable provisions in 35 Ill. Adm. Code 702, 703, and 705.
  - A) Recyclable materials used in a manner constituting disposal (35 Ill. Adm. Code 726.Subpart C);
  - B) Hazardous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under 35 Ill. Adm. Code 724.Subpart O or 725.Subpart O (35 Ill. Adm. Code 726.Subpart H);
  - C) Recyclable materials from which precious metals are reclaimed (35 Ill. Adm. Code 726.Subpart F);
  - D) Spent lead-acid batteries that are being reclaimed (35 Ill. Adm. Code 726.Subpart G).
- 3) The following recyclable materials are not subject to regulation under 35 Ill. Adm. Code 722 through 726, 728, or 702, 703, or 705 and are not subject to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act:
  - A) Industrial ethyl alcohol that is reclaimed except that, unless provided otherwise in an international agreement as specified in 35 Ill. Adm. Code 722.158:
    - i) A person initiating a shipment for reclamation in a foreign country and any intermediary arranging for the shipment shall comply with the requirements applicable to a primary exporter in 35 Ill. Adm. Code 722.153; 722.156(a)(1) through (a)(4), (a)(6), and (b); and 722.157; shall export such materials only upon consent of the receiving country and in conformance with the USEPA Acknowledgment of Consent, as defined in 35 Ill. Adm. Code 722.Subpart E; and shall provide a copy of the USEPA Acknowledgment of Consent to the shipment to the transporter transporting the shipment for export;
    - ii) Transporters transporting a shipment for export shall not accept a shipment if the transporter knows that the shipment does not conform to the USEPA Acknowledgment of Consent, shall ensure that a copy of the USEPA Acknowledgment of Consent accompanies the shipment, and shall ensure that is is delivered to the facility designated by the person initiating the shipment;
  - B) Scrap metal that is not excluded under Section 721.104(a)(13);
  - C) Fuels produced from the refining of oil-bearing hazardous

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- wastes along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production, and transportation practices (this exemption does not apply to fuels produced from oil recovered from oil-bearing hazardous waste where such recovered oil is already excluded under Section 721.104(a)(12));
- D) Petroleum refining wastes.
    - i) Hazardous waste fuel produced from oil-bearing hazardous wastes from petroleum refining, production, or transportation practices or produced from oil reclaimed from such hazardous wastes, where such hazardous wastes are reintroduced into a process that does not use distillation or does not produce products from crude oil, so long as the resulting fuel meets the used oil specification under 35 Ill. Adm. Code 726.140(e) and so long as no other hazardous wastes are used to produce the hazardous waste fuel;
    - ii) Hazardous waste fuel produced from oil-bearing hazardous waste from petroleum refining production, and transportation practices, where such hazardous wastes are reintroduced into a refining process after a point at which contaminants are removed, so long as the fuel meets the used oil fuel specification under 35 Ill. Adm. Code 726.140(e); and
    - iii) Oil reclaimed from oil-bearing hazardous wastes from petroleum refining, production, and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under 35 Ill. Adm. Code 726.140(e); and
  - E) Petroleum coke produced from petroleum refinery hazardous wastes containing oil by the same person that generated the wastes unless the resulting coke product exceeds one or more of the characteristics of hazardous waste in 721.Subpart C.
- 4) Used oil that is recycled and is also a hazardous waste solely because it exhibits a hazardous characteristic is not subject to the requirements of 35 Ill. Adm. Code 720 through 728, but it is regulated under 35 Ill. Adm. Code 739. Used oil that is recycled includes any used oil that is reused for any purpose following its original use (including the purpose for which the oil was originally used). Such term includes, but is not limited to, oil that is re-refined, reclaimed, burned for energy recovery, or reprocessed.
  - 5) Hazardous waste that is exported to or imported from designated member countries of the Organization for Economic Cooperation and Development (OECD), as defined in Section 722.158(a)(1), for the purpose of recovery is subject to the requirements of 35 Ill.

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Adm. Code 722.Subpart H if it is subject to either the hazardous waste manifesting requirements of 35 Ill. Adm. Code 722 or the universal waste management standards of 35 Ill. Adm. Code 733.

- b) Generators and transporters of recyclable materials are subject to the applicable requirements of 35 Ill. Adm. Code 722 and 723 and the notification requirements under section 3010 of the Resource Conservation and Recovery Act, except as provided in subsection (a) of this Section.

- c) Storage and recycling:

1) Owners or operators of facilities that store recyclable materials before they are recycled are regulated under all applicable provisions of 35 Ill. Adm. Code 702, 703, and 705; 724.Subparts A through L, AA, BB, and CC; and 725.Subparts A through L, AA, BB, and CC; 726; 728; and the notification requirement under section 3010 of the Resource Conservation and Recovery Act, except as provided in subsection (a) of this Section. (The recycling process itself is exempt from regulation, except as provided in subsection (d) of this Section.)

2) Owners or operators of facilities that recycle recyclable materials without storing them before they are recycled are subject to the following requirements, except as provided in subsection (a) of this Section:

- A) Notification requirements under section 3010 of the Resource Conservation and Recovery Act,  
B) 35 Ill. Adm. Code 725.171 and 725.172 (dealing with the use of the manifest and manifest discrepancies), and  
C) Subsection (d) of this Section.

- d) Owners or operators of facilities required to have a RCRA permit pursuant to 35 Ill. Adm. Code 703 with hazardous waste management units that recycle hazardous wastes are subject to 35 Ill. Adm. Code 724.Subparts AA and BB and 725.Subparts AA and BB.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

## Section 721.121 Characteristic of Ignitability

- a) A solid waste exhibits the characteristic of ignitability if a representative sample of the waste has any of the following properties:

1) It is a liquid, other than an aqueous solution containing less than 24 percent alcohol by volume, and has a flash point less than 60° C (140° F), as determined by a Pensky-Martens Closed Cup Tester, using the test method specified in ASTM D-93, incorporated by reference in 35 Ill. Adm. Code 720.111, or a

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Setaflash Closed Cup Tester, using the test method specified in ASTM Standard D-3828 B-322B, incorporated by reference in 35 Ill. Adm. Code 720.111, or as determined by an equivalent test method approved by the Board (35 Ill. Adm. Code 720.120).

- 2) It is not a liquid and is capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a hazard.  
3) It is an ignitable compressed gas as defined in 49 CFR 173.300, incorporated by reference in 35 Ill. Adm. Code 720.111, and as determined by the test methods described in that regulation or equivalent test methods approved by the Board (35 Ill. Adm. Code 720.120).

- 4) It is an oxidizer as defined in 49 CFR 173.151, incorporated by reference in 35 Ill. Adm. Code 720.111.

- b) A solid waste that exhibits the characteristic of ignitability has the EPA Hazardous Waste Number of D001.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: LISTS OF HAZARDOUS WASTE

## Section 721.132 Hazardous Waste from Specific Sources

The following solid wastes are listed hazardous wastes from specific sources unless they are excluded under 35 Ill. Adm. Code 720.120 and 720.122 and listed in Section 721.Appendix I.

EPA  
Hazardous  
Waste No.

Industry and Hazardous Waste

Hazard Code

Wood Preservation:

K001 Bottom sediment sludge from the treatment of  
wastewaters from wood preserving processes that use  
creosote or pentachlorophenol. (T)

Inorganic Pigments:

K002 Wastewater treatment sludge from the production of  
chrome yellow and orange pigments. (T)

K003 Wastewater treatment sludge from the production of  
molybdate orange pigments. (T)

K004 Wastewater treatment sludge from the production of  
zinc yellow pigments. (T)



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EPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
K005	Wastewater treatment sludge from the production of chrome green pigments.	(T)
K006	Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous and hydrated).	(T)
K007	Wastewater treatment sludge from the production of iron blue pigments.	(T)
K008	Oven residue from the production of chrome oxide green pigments.	(T)
Organic Chemicals:		
K009	Distillation bottoms from the production of acetaldehyde from ethylene.	(T)
K010	Distillation side cuts from the production of acetaldehyde from ethylene.	(T)
K011	Bottom stream from the wastewater stripper in the production of acrylonitrile.	(R,T)
K013	Bottom stream from the acetonitrile column in the production of acrylonitrile.	(T)
K014	Bottoms from the acetonitrile purification column in the production of acrylonitrile.	(T)
K015	Still bottoms from the distillation of benzyl chloride.	(T)
K016	Heavy ends or distillation residues from the production of carbon tetrachloride.	(T)
K017	Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.	(T)
K018	Heavy ends from the fractionation column in ethyl chloride production.	(T)
K019	Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.	(T)
K020	Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.	(T)
K021	Aqueous spent antimony catalyst waste from fluoromethanes production.	(T)
K022	Distillation bottom tars from the production of phenol/acetone from cumene.	(T)
K023	Distillation light ends from the production of phthalic anhydride from naphthalene.	(T)
K024	Distillation bottoms from the production of phthalic anhydride from naphthalene.	(T)
K093	Distillation light ends from the production of phthalic anhydride from ortho-xylene.	(T)

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EPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
K094	Distillation bottoms from the production of phthalic anhydride from ortho-xylene.	(T)
K025	Distillation bottoms from the production of nitrobenzene by the nitration of benzene.	(T)
K026	Stripping still tails from the production of methyl ethyl pyridines.	(T)
K027	Centrifuge and distillation residues from toluene diisocyanate production.	(R,T)
K028	Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.	(T)
K029	Waste from the product stream stripper in the production of 1,1,1-trichloroethane.	(T)
K095	Distillation bottoms from the production of 1,1,1-trichloroethane.	(T)
K096	Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.	(T)
K030	Column bottoms or heavy ends from the combined production of trichloroethylene and perchloroethylene.	(T)
K083	Distillation bottoms from aniline production.	(T)
K103	Process residues from aniline extraction from the production of aniline.	(T)
K104	Combined wastewater streams generated from nitrobenzene/aniline production.	(T)
K085	Distillation or fractionation column bottoms from the production of chlorobenzenes.	(T)
K105	Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.	(T)
K107	Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(C,T)
K108	Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(I,T)
K109	Spent filter cartridges from the product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(T)
K110	Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.	(T)
K111	Product wastewaters from the production of dinitrotoluene via nitration of toluene.	(C,T)

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EPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
K112	Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K113	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K114	Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K115	Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	(T)
K116	Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.	(T)
K117	Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.	(T)
K118	Spent adsorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)
K136	Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	(T)
K156	Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)	(T)
K157	Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)	(T)
K158	Bag house dusts and filter/separation solids from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)	(T)
K159	Organics from the treatment of thiocarbamate wastes.	(T)

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EPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
K161	Purification solids (including filtration, evaporation, and centrifugation solids), bag house dust and floor sweepings from the production of dithiocarbamate acids and their salts. (This listing does not include K125 or K126.)	(R,T)
Inorganic Chemicals:		
K071	Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used.	(T)
K073	Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production.	(T)
K106	Wastewater treatment sludge from the mercury cell process in chlorine production.	(T)
Pesticides:		
K031	By-product salts generated in the production of MSMA and cacodylic acid.	(T)
K032	Wastewater treatment sludge from the production of chlordane.	(T)
K033	Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.	(T)
K034	Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.	(T)
K097	Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.	(T)
K035	Wastewater treatment sludges generated in the production of cresote.	(T)
K036	Still bottoms from toluene reclamation distillation in the production of disulfoton.	(T)
K037	Wastewater treatment sludges from the production of disulfoton.	(T)
K038	Wastewater from the washing and stripping of phorate production.	(T)
K039	Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate.	(T)
K040	Wastewater treatment sludge from the production of phorate.	(T)

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EPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code	EPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
K041	Wastewater treatment sludge from the production of toxaphene.	(T)	K049	Slop oil emulsion solids from the petroleum refining industry.	(T)
K098	Untreated process wastewater from the production of toxaphene.	(T)	K050	Heat exchanger bundle cleaning sludge from the petroleum refining industry.	(T)
K042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.	(T)	K051	API separator sludge from the petroleum refining industry.	(T)
K043	2,6-Dichlorophenol waste from the production of 2,4-D.	(T)	K052	Tank bottoms (leaded) from the petroleum refining industry.	(T)
K099	Untreated wastewater from the production of 2,4-D.	(T)		Iron and Steel:	
K123	Process wastewater (including supernates, filtrates and washwaters) from the production of ethylenebisdithiocarbamic acid and its salts.	(T)	K061	Emission control dust/sludge from the primary production of steel in electric furnaces.	(T)
K124	Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts.	(C,T)	K062	Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332) (as defined in 35 Ill. Adm. Code 720.110).	(C,T)
K125	Filtration, evaporation and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts.	(T)		Primary Copper:	
K126	Baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts.	(T)	K064	Acid plant blowdown slurry or sludge resulting from the thickening of blowdown slurry from primary copper production.	(T)
K131	Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.	(C,T)		Primary Lead:	
K132	Spent absorbent and wastewater separator solids from the production of methyl bromide.	(T)	K065	Surface impoundments solids contained in and dredged from surface impoundments at primary lead smelting facilities.	(T)
	Explosives:			Primary Zinc:	
K044	Wastewater treatment sludges from the manufacturing and processing of explosives.	(R)	K066	Sludge from treatment of process wastewater or acid plant blowdown from primary zinc production.	(T)
K045	Spent carbon from the treatment of wastewater containing explosives.	(R)		BOARD NOTE: This waste listing is the subject of a judicial remand in American Mining Congress v. EPA, 907 F.2d 1179 (D.D.C. 1990). The Board intends that this listing not become enforceable in Illinois until the first date upon which the Board RCRA program becomes "not equivalent to the Federal program", within the meaning of section 3006(b) of the RCRA Act, 42 U.S.C. 6926(b), the Board RCRA rules	
K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.	(T)			
K047	Pink/red water from TNT operations.	(R)			
	Petroleum Refining:				
K048	Dissolved air flotation (DAF) float from the petroleum refining industry.	(T)			

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	become "less stringent" than the USEPA rules, as this phrase is used in Section 3009, 42 U.S.C. 6929, or the Board RCRA rules are not "identical in substance" with the federal rules as that term is intended by 415 ILCS 5/7.2 and 22.4 as a result of some action by USEPA with regard to this listing in response to the American Mining Congress remand.	
	Primary Aluminum:	
K088	Spent potliners from primary aluminum reduction.	(T)
	Ferroalloys:	
K090	Emission control dust or sludge from ferrochromium/silicon production.	(T)
K091	Emission control dust or sludge from ferrochromium production.	(T)
	Secondary Lead:	
K069	Emission control dust/sludge from secondary lead smelting.	(T)
K100	Waste leaching solution from acid leaching of emission control dust/sludge from secondary lead smelting.	(T)
	Veterinary Pharmaceuticals:	
K084	Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)
K101	Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)
K102	Residue from use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.	(T)

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EPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
	Ink Formulation:	
K086	Solvent washes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps and stabilizers containing chromium and lead.	(T)
	Coking:	
K060	Ammonia still lime sludge from coking operations.	(T)
K087	Decanter tank tar sludge from coking operations.	(T)
K141	Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke from coal or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludges from coking operations).	(T)
K142	Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.	(T)
K143	Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal.	(T)
K144	Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products produced from coal.	(T)
K145	Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.	(T)
K147	Tar storage tank residues from coal tar refining.	(T)
K148	Residues from coal tar distillation, including but not limited to, still bottoms.	(T)
K149	Distillation bottoms from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillation of benzyl chloride.)	(T)

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EPA Hazardous Waste No.	Industry and Hazardous Waste	Hazard Code
K150	Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of alpha (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.	(T)
K151	Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.	(T)
(Source: Amended at 22 Ill. Reg. _____, effective _____)		

### Section 721.133 Discarded Commercial Chemical Products, Off-Specification Species, Containers Residues, and Spill Residues Thereof

The following materials or items are hazardous wastes if and when they are discarded or intended to be discarded as described in Section 721.102(a)(2)(A), when they are mixed with waste oil or used oil or other material and applied to the land for dust suppression or road treatment, when they are otherwise applied to the land in lieu of their original intended use or when they are contained in products that are applied to land in lieu of their original intended use, or when, in lieu of their original intended use, they are produced for use as (or as a component of) a fuel, distributed for use as a fuel, or burned as a fuel.

- Any commercial chemical product, or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f) of this Section.
- Any off-specification commercial chemical product or manufacturing chemical intermediate which, if it met specifications, would have the generic name listed in subsection (e) or (f) of this Section.
- Any residue remaining in a container or inner liner removed from a container that has held any commercial chemical product or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f) of this Section, unless the container is empty as defined in Section 721.107(b)(3).

BOARD NOTE: Unless the residue is being beneficially used or reused, or legitimately recycled or reclaimed, or being accumulated, stored, transported, or treated prior to such use, reuse, recycling, or reclamation, the Board considers the residue to be intended for

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discard, and thus a hazardous waste. An example of a legitimate reuse of the residue would be where the residue remains in the container and the container is used to hold the same commercial chemical product or manufacturing chemical intermediate it previously held. An example of the discard of the residue would be where the drum is sent to a drum reconditioner that reconditions the drum but discards the residue.

- Any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill into or on any land or water of any commercial chemical product or manufacturing chemical intermediate having the generic name listed in subsection (e) or (f) of this Section, or any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill into or on any land or water, of any off-specification chemical product or manufacturing chemical intermediate which, if it met specifications, would have the generic name listed in subsection (e) or (f) of this Section.

BOARD NOTE: The phrase "commercial chemical product or manufacturing chemical intermediate having the generic name listed in..." refers to a chemical substance that is manufactured or formulated for commercial or manufacturing use which consists of the commercially pure grade of the chemical, any technical grades of the chemical that are produced or marketed, and all formulations in which the chemical is the sole active ingredient. It does not refer to a material, such as a manufacturing process waste, that contains any of the substances listed in subsection (e) or (f) of this Section. Where a manufacturing process waste is deemed to be a hazardous waste because it contains a substance listed in subsection (e) or (f) of this Section, such waste will be listed in either Sections 721.131 or 721.132 or will be identified as a hazardous waste by the characteristics set forth in Subpart C.

- The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products or manufacturing chemical intermediates referred to in subsections (a) through (d) of this Section, are identified as acute hazardous waste (H) and are subject to the small quantity exclusion defined in Section 721.105(e). These wastes and their corresponding USEPA Hazardous Waste Numbers are:

BOARD NOTE: For the convenience of the regulated community the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), and R (Reactivity). The absence of a letter indicates that the compound only is listed for acute toxicity.

Hazardous Waste No.	Chemical Abstracts No.	Substance
P023	107-20-0	Acetaldehyde, chloro-
P002	591-08-2	Acetamide, N-(aminothioxomethyl)
P057	640-19-7	Acetamide, 2-fluoro-

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Hazardous Waste No.	Chemical Abstracts No.	Substance
P058	62-74-8	Acetic acid, fluoro-, sodium salt
P002	591-08-2	1-Acetyl-2-thiourea
P003	107-02-8	Acrolein
P070	116-06-3	Aldicarb
P203	1646-88-4	Aldicarb sulfone
P004	309-00-2	Aldrin
P005	107-18-6	Allyl alcohol
P006	20859-73-8	Aluminum phosphide (R,T)
P007	2763-96-4	5-(Aminomethyl)-3-isoxazolol
P008	504-24-5	4-Aminopyridine
P009	131-74-8	Ammonium picrate (R)
P119	7803-55-6	Ammonium vanadate
P099	506-61-6	Argentate(1-), bis(cyano-C)-, potassium
P010	7778-39-4	Arsenic acid H[3]AsO[4]
P012	1327-53-3	Arsenic oxide As[2]O[3]
P011	1303-28-2	Arsenic oxide As[2]O[5]
P011	1303-28-2	Arsenic pentoxide
P012	1327-53-3	Arsenic trioxide
P038	692-42-2	Arsine, diethyl-
P036	696-28-6	Arsinous dichloride, phenyl-
P054	151-56-4	Aziridine, 2-methyl
P067	75-55-8	Barium cyanide
P013	542-62-1	Benzenamine, 4-chloro-
P024	106-47-8	Benzenamine, 4-nitro-
P077	100-01-6	Benzene, (chloromethyl)-
P028	100-44-7	Benzene, (chloromethyl)-
P042	51-43-4	1,2-Benzenediol, 4-[1-hydroxy-2-(methylamino)ethyl]-, (R)-
P046	122-09-8	Benzenethanamine, alpha, alpha-dimethyl-
P014	108-98-5	Benzenethiol
P127	1563-66-2	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate
P188	57-64-7	Benzoic acid, 2-hydroxy-, compound with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo[2,3-b]indol-5-yl methylcarbamate ester (1:1)
P001	81-81-2*	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations greater than 0.3%
P028	100-44-7	Benzyl chloride
P015	7440-41-7	Beryllium powder
P017	598-31-2	Bromoacetone

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Hazardous Waste No.	Chemical Abstracts No.	Substance
P018	357-57-3	Brucine
P045	39196-18-6	2-Butanone, 3,3-dimethyl-1-(methylthio)-, O-[methylamino]carbonyl oxime
P021	592-01-8	Calcium cyanide
P021	592-01-8	Calcium cyanide Ca(CN)[2]
P189	55285-14-8	Carbamic acid, [(dibutylamino)-thio]methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester
P191	644-64-4	Carbamic acid, dimethyl-, 1-[(dimethylamino)carbonyl]-5-methyl-1H-pyrazol-3-yl ester
P192	119-38-0	Carbamic acid, dimethyl-, 3-methyl-1-(1-methylethyl)-1H-pyrazol-5-yl ester
P190	1129-41-5	Carbamic acid, methyl-, 3-methylphenyl ester
P127	1563-66-2	Carbofuran
P022	75-15-0	Carbon disulfide
P095	75-44-5	Carbonic dichloride
P189	55285-14-8	Carbosulfan
P023	107-20-0	Chloroacetaldehyde
P024	106-47-8	p-Chloroaniline
P026	5344-82-1	1-(o-Chlorophenyl)thiourea
P027	542-76-7	3-Chloropropionitrile
P029	544-92-3	Copper cyanide
P029	544-92-3	Copper cyanide CuCN
P020	64-00-6	m-Cumenyl methylcarbamate
P030		Cyanides (soluble cyanide salts), not otherwise specified
P031	460-19-5	Cyanogen
P033	506-77-4	Cyanogen chloride
P033	506-77-4	Cyanogen chloride CNCl
P034	131-89-5	2-Cyclohexyl-4,6-dinitrophenol
P016	542-88-1	Dichloromethyl ether
P036	696-28-6	Dichlorophenylarsine
P037	60-57-1	Dieldrin
P038	692-42-2	Diethylarsine
P041	311-45-5	Diethyl-p-nitrophenyl phosphate
P040	297-97-2	O,O-Diethyl O-pyrazinyl phosphorothioate
P043	55-91-4	Diisopropylfluorophosphate (DFP)
P191	644-64-4	Dimetilan



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Hazardous Waste No.	Chemical Abstracts No.	Substance
P004	309-00-2	1,4,5,8-Di-methanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1alpha, 4alpha, 4beta, 5alpha, 8alpha, 8beta)-
P060	465-73-6	1,4,5,8-Di-methanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1alpha, 4alpha, 4beta, 5beta, 8beta, 8beta)-
P037	60-57-1	2,7,3,6-Dimethanonaphth[2,3-b]oxirane, 3,4,5,6,9- hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aalpha, 2beta, 2aalpha, 3beta, 6beta, 6alpha, 7beta, 7aalpha)-
P051	72-20-8*	2,7,3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9- hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1aalpha, 2beta, 2aalpha, 3beta, 6beta, 6alpha, 7beta, 7aalpha)-, and metabolites
P044	60-51-5	Dimethoate
P046	122-09-8	alpha, alpha-Dimethylphenethylamine
P047	534-52-1*	4,6-Dinitro-o-cresol and salts
P048	51-28-5	2,4-Dinitrophenol
P020	88-85-7	Dinoseb
P085	152-16-9	Diphosphoramide, octamethyl-
P111	107-49-3	Diphosphoric acid, tetraethyl ester
P039	298-04-4	Disulfoton
P049	541-53-7	Dithiobiuret
P185	26419-73-8	1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-[(methylamino)- carbonyl]-oxime
P050	115-29-7	Endosulfan
P088	145-73-3	Endothall
P051	72-20-8	Endrin
P051	72-20-8	Endrin, and metabolites
P042	51-43-4	Epinephrine
P031	460-19-5	Ethanedinitrile
P194	23135-22-0	Ethanimidothioc acid, 2-(dimethylamino)- N-[(methylamino)carbonyl]oxy]-2-oxo-, methyl ester
P066	16752-77-5	Ethanimidothioic acid, N-

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Hazardous Waste No.	Chemical Abstracts No.	Substance
P101	107-12-0	[[[(methylamino)carbonyl]oxy]-, methyl ester
P054	151-56-4	Ethyl cyanide
P097	52-85-7	Ethylenimine
P056	7782-41-4	Famphur
P057	640-19-7	Fluorine
P058	62-74-8	Fluoroacetamide
P198	23422-53-9	Fluoroacetic acid, sodium salt
P197	17702-57-7	Formetanate hydrochloride
P065	628-86-4	Formparanate
P059	76-44-8	Fulminic acid, mercury (2+) salt (R,T)
P062	757-58-4	Heptachlor
P116	79-19-6	Hexaethyl tetraphosphate
P068	60-34-4	Hydrazinecarbothioamide
P063	74-90-8	Hydrazine, methyl-
P063	74-90-8	Hydrocyanic acid
P096	7803-51-2	Hydrogen cyanide
P060	465-73-6	Hydrogen phosphide
P192	119-38-0	Isodrin
P020	64-00-6	Isolan
P007	2763-96-4	3-Isopropylphenyl-N-methylcarbamate
P196	15339-36-3	3(2H)-Isoxazolone, 5-(aminomethyl)-Manganese, bis(dimethylcarbamodithioato-S,S')-
P196	15339-36-3	Manganese dimethylthiocarbamate
P092	62-38-4	Mercury, (acetato-0)phenyl-
P065	628-86-4	Mercury fulminate (R,T)
P082	62-75-9	Methanamine, N-methyl-N-nitroso-
P064	624-83-9	Methane, isocyanato-
P016	542-88-1	Methane, oxybis(chloro-
P112	509-14-8	Methane, tetranitro- (R)
P118	75-70-7	Methanethiol, trichloro-
P198	23422-53-9	Methanimidamide, N,N-dimethyl-N'-[3-[[[(methylamino)-carbonyl]oxy]phenyl]-, monohydrochloride
P197	17702-57-7	Methanimidamide, N,N-dimethyl-N'-[2-methyl-4-[[[(methylamino)carbonyl]oxy]phenyl]-phenyl]-
P199	2032-65-7	Methiocarb
P050	115-29-7	6,9-Methano-2,4,3-benzodioxathiepen, 6,7,8,9,10,10-hexachloro-1,5,5a,6,9,9a-hexahydro-, 3-oxide

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Hazardous Waste No.	Chemical Abstracts No.	Substance
P059	76-44-8	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-
P066	16752-77-5	Methomyl
P068	60-34-4	Methyl hydrazine
P064	624-83-9	Methyl isocyanate
P069	75-86-5	2-Methylactonitrile
P071	298-00-0	Methyl parathion
P190	1129-41-5	Metolcarb
P129	315-8-4	Mexacarbate
P072	86-88-4	alpha-Naphthylthiourea
P073	13463-39-3	Nickel carbonyl
P073	13463-39-3	Nickel carbonyl NiCO[4], (T-4)-
P074	557-19-7	Nickel cyanide
P074	557-19-7	Nickel cyanide Ni(CN)[2]
P075	54-11-5*	Nicotine, and salts
P076	10102-43-9	Nitric oxide
P077	100-01-6	p-Nitroaniline
P078	10102-44-0	Nitrogen dioxide
P076	10102-43-9	Nitrogen oxide NO
P078	10102-44-0	Nitrogen oxide NO[2]
P081	55-63-0	Nitroglycerine (R)
P082	62-75-9	N-Nitrosodimethylamine
P084	4549-40-0	N-Nitrosomethylvinylamine
P085	152-16-9	Octamethylpyrophosphoramide
P087	20816-12-0	Osmium oxide OsO[4], (T-4)-
P087	20816-12-0	Osmium tetroxide
P088	145-73-3	7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid
P194	23135-22-0	Oxamyl
P089	56-38-2	Parathion
P034	131-89-5	Phenol, 2-cyclohexyl-4,6-dinitro-
P128	315-18-4	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methylcarbamate (ester)
P199	2032-65-7	Phenol, (3,5-dimethyl-4-(methylthio))-methylcarbamate
P048	51-28-5	Phenol, 2,4-dinitro-
P047	534-52-1*	Phenol, 2-methyl-4,6-dinitro-, and salts
P202	64-00-6	Phenol, 3-(1-methylethyl)-, methyl carbamate
P201	2631-37-0	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate

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## NOTICE OF PROPOSED AMENDMENTS

Hazardous Waste No.	Chemical Abstracts No.	Substance
P020	88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro-
P009	131-74-8	Phenol, 2,4,6-trinitro-, ammonium salt (R)
P092	62-38-4	Phenylmercury acetate
P093	103-85-5	Phenylthiourea
P094	298-02-2	Phorate
P095	75-44-5	Phosgene
P096	7803-51-2	Phosphine
P041	311-45-5	Phosphoric acid, diethyl 4-nitrophenyl ester
P039	298-04-4	Phosphorodithioic acid, O,O-diethyl S-[2-(ethylthio)ethyl] ester
P094	298-02-2	Phosphorodithioic acid, O,O-diethyl S-[(ethylthio)methyl] ester
P044	60-51-5	Phosphorodithioic acid, O,O-dimethyl S-[2-(methylamino)-2-oxoethyl]ester
P043	55-91-4	Phosphorofluoridic acid, bis(1-methylethyl)ester
P089	56-38-2	Phosphorothioic acid, O,O-diethyl O-(4-nitrophenyl) ester
P040	297-97-2	Phosphorothioic acid, O,O-diethyl O-pyrazinyl ester
P097	52-85-7	Phosphorothioic acid, O-[4-[(dimethylamino)sulfonyl]phenyl] O,O-dimethyl ester
P071	298-00-0	Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester
P204	57-47-6	Physostigmine
P188	57-64-7	Physostigmine salicylate
P110	78-00-2	Plumbane, tetraethyl-
P098	151-50-8	Potassium cyanide
P098	151-50-8	Potassium cyanide KCN
P099	506-61-6	Potassium silver cyanide
P201	2631-37-0	Promecarb
P203	1646-88-4	Propanal, 2-methyl-2-(methyl-sulfonyl)-, O-[(methylamino)carbonyl] oxime
P070	116-06-3	Propanal, 2-methyl-2-(methylthio)-, O-[(methylamino) carbonyl]oxime
P101	107-12-0	Propanenitrile
P027	542-76-7	Propanenitrile, 3-chloro-
P069	75-86-5	Propanenitrile, 2-hydroxy-2-methyl-

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Hazardous Waste No.	Chemical Abstracts No.	Substance
P081	55-63-0	1,2,3-Propanetriol, trinitrate- (R)
P017	598-31-2	2-Propanone, 1-bromo-
P102	107-19-7	Propargyl alcohol
P003	107-02-8	2-Propenal
P005	107-18-6	2-Propen-1-ol
P067	75-55-8	1,2-Propylenimine
P102	107-19-7	2-Propyn-1-ol
P008	504-24-5	4-Pyridinamine
P075	54-11-5*	Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)-and salts
P204	57-47-6	Pyrrolol[2,3-b]indol-5-ol, 1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethyl-, methyl-carbamate (ester), (3aS-cis)-
P114	12039-52-0	Selenious acid, dithallium (1+) salt
P103	630-10-4	Selenourea
P104	506-64-9	Silver cyanide
P104	506-64-9	Silver cyanide AgCN
P105	26628-22-8	Sodium azide
P106	143-33-9	Sodium cyanide
P106	143-33-9	Sodium cyanide NaCN
P108	57-24-9*	Strychnidin-10-one, and salts
P018	357-57-3	Strychnidin-10-one, 2,3-dimethoxy-
P108	57-24-9*	Strychnine and salts
P115	7446-18-6	Sulfuric acid, dithallium (1+) salt
P109	3689-24-5	Tetraethyldithiopyrophosphate
P110	78-00-2	Tetraethyl lead
P111	107-49-3	Tetraethylpyrophosphate
P112	509-14-8	Tetranitromethane (R)
P062	757-58-4	Tetraphosphoric acid, hexaethyl ester
P113	1314-32-5	Thallic oxide
P113	1314-32-5	Thallium oxide Tl[2]O[3]
P114	12039-52-0	Thallium (I) selenite
P115	7446-18-6	Thallium (I) sulfate
P109	3689-24-5	Thiodiphosphoric acid, tetraethyl ester
P045	39196-18-4	Thiofanox
P049	541-53-7	Thioimidodicarbonic diamide [(H[2]N)C(S)] [2]NH
P014	108-98-5	Thiophenol
P116	79-19-6	Thiosemicarbazide
P026	5344-82-1	Thiourea, (2-chlorophenyl)-
P072	86-88-4	Thiourea, 1-naphthalenyl-
P093	103-85-5	Thiourea, phenyl-
P123	8001-35-2	Toxaphene

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Hazardous Waste No.	Chemical Abstracts No.	Substance
P185	26419-73-8	Tirpate
P118	75-70-7	Trichloromethanethiol
P119	7803-55-6	Vanadic acid, ammonium salt
P120	1314-62-1	Vanadium oxide V[2]O[5]
P120	1314-62-1	Vanadium pentoxide
P084	4549-40-0	Vinylamine, N-methyl-N-nitroso-
P001	81-81-2*	Warfarin, and salts, when present at concentrations greater than 0.3%
P121	557-21-1	Zinc cyanide
P121	557-21-1	Zinc cyanide Zn(CN)[2]
P205	137-30-4	Zinc, bis(dimethylcarbamodithioato-S,S')-
P122	1314-84-7	Zinc phosphide Zn[3]P[2], when present at concentrations greater than 10% (R,T)
P205	137-30-4	Ziram

Board Note: An asterisk (\*) following the CAS number indicates that the CAS number is given for the parent compound only.

f) The commercial chemical products, manufacturing chemical intermediates, or off-specification commercial chemical products referred to in subsections (a) through (d) of this Section, are identified as toxic wastes (T) unless otherwise designated and are subject to the small quantity exclusion defined in Section 721.105(a) and (g). These wastes and their corresponding USEPA Hazardous Waste Numbers are:

BOARD NOTE: For the convenience of the regulated community, the primary hazardous properties of these materials have been indicated by the letters T (Toxicity), R (Reactivity), I (Ignitability), and C (Corrosivity). The absence of a letter indicates that the compound is only listed for toxicity.

Hazardous Waste No.	Chemical Abstracts No.	Substance
U394	30558-43-1	A2213
U001	75-07-0	Acetaldehyde (I)
U034	75-87-6	Acetaldehyde, trichloro-
U187	62-44-2	Acetamide, N-(4-ethoxyphenyl)-
U005	53-96-3	Acetamide, N-9H-fluorene-2-yl-
U240	P 94-75-7	Acetic acid, (2,4-dichlorophenoxy)-, salts and esters
U112	141-78-6	Acetic acid, ethyl ester (I)
U144	301-04-2	Acetic acid, lead (2+) salt



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Hazardous Waste No.	Chemical Abstracts No.	Substance
U214	563-68-8	Acetic acid, thallium (1+) salt
See F027	93-76-5	Acetic acid, (2,4,5-trichlorophenoxy)-
<del>U002</del>	67-64-1	Acetone (I)
<del>U003</del>	75-05-8	Acetonitrile (I,T)
U004	98-86-2	Acetophenone
U005	53-96-3	2-Acethylaminofluorene
U006	75-36-5	Acetyl chloride (C,R,T)
U007	79-06-1	Acrylamide
U008	79-10-7	Acrylic acid (I)
U009	107-13-1	Acrylonitrile
U011	61-82-5	Amitrole
U012	62-53-3	Aniline (I,T)
U136	75-60-5	Arsinic acid, dimethyl-
U014	492-80-8	Auramine
U015	115-02-6	Azaserine
U010	50-07-7	Azirino[2',3':3,4]pyrrolo[1,2-a]indole-4,7-dione,
		6-amino-8-[[[(aminocarbonyl)oxy]methyl]-1,1a,2,8a,8b-hexahydro-8a-methoxy-5-methyl-, [1a-S-(1aalpha, 8beta, 8alpha, 8balpha)]-
U280	101-27-9	Barban
U278	22781-23-3	Bendiocarb
U364	22961-82-6	Bendiocarb phenol
U271	17804-35-2	Benomyl
U157	56-49-5	Benz[ <i>j</i> ]aceanthrylene, 1,2-dihydro-3-methyl-
U016	225-51-4	Benz(c)acridine
U017	98-87-3	Benzal chloride
U192	23950-58-5	Benzamide,
		3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-
U018	56-55-3	Benz[ <i>a</i> ]anthracene
U094	57-97-6	Benz[ <i>a</i> ]anthracene, 7,12-dimethyl-
U012	62-53-3	Benzenamine (I,T)
U014	492-80-8	Benzenamine, 4,4'-carbonimidoylbis [N,N-dimethyl-
U049	3165-93-3	Benzenamine, 4-chloro-2-methyl-, hydrochloride
U093	60-11-7	Benzenamine,
		N,N-dimethyl-4-(phenylazo)-
U328	95-53-4	Benzenamine, 2-methyl-

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## NOTICE OF PROPOSED AMENDMENTS

Hazardous Waste No.	Chemical Abstracts No.	Substance
U353	106-49-0	Benzenamine, 4-methyl-
U158	101-14-4	Benzenamine, methylenebis[2-chloro-
U222	636-21-5	Benzenamine, 2-methyl-, hydrochloride
U181	99-55-8	Benzenamine, 2-methyl-5-nitro-
U019	71-43-2	Benzene (I,T)
U038	510-15-6	Benzenoacetic acid, 4-chloro-alpha-(4-chlorophenyl)-alpha-hydroxy-, ethyl ester
U030	101-55-3	Benzene, 1-bromo-4-phenoxy-
U035	305-03-3	Benzenobutanoic acid, 4-[bis(2-chloroethyl)amino]-
U037	108-90-7	Benzene, chloro-
U221	25376-45-8	Benzenediamine, ar-methyl-
U028	117-81-7	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester
U069	84-74-2	1,2-Benzenedicarboxylic acid, dibutyl ester
U088	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester
U102	131-11-3	1,2-Benzenedicarboxylic acid, dimethyl ester
U107	117-84-0	1,2-Benzenedicarboxylic acid, dioctyl ester
U070	95-50-1	Benzene, 1,2-dichloro-
U071	541-73-1	Benzene, 1,3-dichloro-
U072	106-46-7	Benzene, 1,4-dichloro-
U060	72-54-8	Benzene, 1,1'-(2,2-dichloroethylenedi)bis[4-chloro-
U017	98-87-3	Benzene, (dichloromethyl)-
U223	26471-62-5	Benzene, 1,3-diisocyanatomethyl- (R,T)
U239	1330-20-7	Benzene, dimethyl- (I,T)
U201	108-46-3	1,3-Benzenediol
U127	118-74-1	Benzene, hexachloro-
U056	110-82-7	Benzene, hexahydro- (I)
U220	108-88-3	Benzene, methyl-
U105	121-14-2	Benzene, 1-methyl-2,4-dinitro-
U106	606-20-2	Benzene, 2-methyl-1,3-dinitro-
U055	98-82-8	Benzene, (1-methylethyl)- (I)
U169	98-95-3	Benzene, nitro-
U183	608-93-5	Benzene, pentachloro-
U185	82-68-8	Benzene, pentachloronitro-
U020	98-09-9	Benzenesulfonic acid chloride (C,R)
U020	98-09-9	Benzenesulfonyl chloride (C,R)

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## NOTICE OF PROPOSED AMENDMENTS

Hazardous Waste No.	Chemical Abstracts No.	Substance
U207	95-94-3	Benzene, 1,2,4,5-tetrachloro-
U061	50-29-3	Benzene, 1,1'-(2,2,2-trichloroethylidene) bis[4-chloro-
U247	72-43-5	Benzene, 1,1'-(2,2,2-trichloroethylidene) bis[4-methoxy-
U023	98-07-7	Benzene, (trichloromethyl)-
U234	99-35-4	Benzene, 1,3,5-trinitro-
U021	92-87-5	Benzidine
U202	P 81-07-2	1,2-Benzisothiazol-3(2H)-one, 1,1-dioxide, and salts
U203	94-59-7	1,3-Benzodioxole, 5-(2-propenyl)-
U141	120-58-1	1,3-Benzodioxole, 5-(1-propenyl)-
U090	94-58-6	1,3-Benzodioxole, 5-propyl-
U278	22781-23-3	1,3-Benzodioxol-4-ol, 2,2-dimethyl-, methyl carbamate
U364	22961-82-6	1,3-Benzodioxol-4-ol, 2,2-dimethyl-
U367	1563-38-8	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-
U064	189-55-9	Benzo[ <i>a</i> ]pyrene
U248	P 81-81-2	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, and salts, when present at concentrations of 0.3% or less
U022	50-32-8	Benzo[ <i>a</i> ]pyrene
U197	106-51-4	p-Benzquinone
U023	98-07-7	Benzotrichloride (C,R,T)
U085	1464-53-5	2,2'-Bioxirane
U021	92-87-5	[1,1'-Biphenyl]-4,4'-diamine
U073	91-94-1	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dichloro-
U091	119-90-4	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethoxy-
U095	119-93-7	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethyl-
U225	75-25-2	Bromoform
U030	101-55-3	4-Bromophenyl phenyl ether
U128	87-68-3	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-
U172	924-16-3	1-Butanamine, N-butyl-N-nitroso-
U031	71-36-3	1-Butanol (I)
U159	78-93-3	2-Butanone (I,T)
U160	1338-23-4	2-Butanone, peroxide (R,T)
U053	4170-30-3	2-Butenal

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Hazardous Waste No.	Chemical Abstracts No.	Substance
U074	764-41-0	2-Butene, 1,4-dichloro- (I,T)
U143	303-34-4	2-Butenoic acid, 2-methyl-, 7-[[2,3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy]methyl]-2,3,5,7a-tetrahydro-1H-pyrolizin-1-yl ester, [1S-[alpha(Z), 7(2S*,3R*), 7aalpha]]-n-Butyl alcohol (I)
U031	71-36-3	Cacodylic acid
U136	75-60-5	Calcium chromate
U032	13765-19-0	Carbamic acid, 1H-benzimidazol-2-yl-, methyl ester
U372	10605-21-7	Carbamic acid, [1-((butylamino)-carbonyl)-1H-benzimidazol-2-yl]-, methyl ester
U271	17804-35-2	Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester
U280	101-27-9	Carbamic acid, ethyl ester
U238	51-79-6	Carbamic acid, methylnitroso-, ethyl ester
U178	615-53-2	Carbamic acid, phenyl-, 1-methylethyl ester
U373	122-42-9	Carbamic acid, [1,2-phenylenebis(iminocarbonothioyl)]bis-, dimethyl ester
U409	23564-05-8	Carbamic chloride, dimethyl-ethanedithioic acid, 1,2-ethanedithioic acid, salts and esters
U097	79-44-7	bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester
U114	P 111-54-6	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester
U062	2303-16-4	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-trichloro-2-propenyl) ester
U389	2303-17-5	Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester
U387	52888-80-9	Carbamothioic acid, dipropyl-, S-(phenylmethyl) ester
U279	63-25-2	Carbaryl
U372	10605-21-7	Carbendazim
U367	1563-38-8	Carbofuran phenol
U215	6533-73-9	Carbonic acid, dithallium (1+) salt
U033	353-50-4	Carbonic difluoride
U156	79-22-1	Carbonochloridic acid, methyl ester (I,T)
U033	353-50-4	Carbon oxyfluoride (R,T)

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## NOTICE OF PROPOSED AMENDMENTS

Hazardous Waste No.	Chemical Abstracts No.	Substance
U078	75-35-4	1,1-Dichloroethylene
U079	156-60-5	1,2-Dichloroethylene
U025	111-44-4	Dichloroethyl ether
U027	108-60-1	Dichloroisopropyl ether
U024	111-91-1	Dichloromethoxy ethane
U081	120-83-2	2,4-Dichlorophenol
U082	87-65-0	2,6-Dichlorophenol
U084	542-75-6	1,3-Dichloropropene
U085	1464-53-5	1,2,3,4-Diepoxybutane (I,T)
U395	5952-26-1	Diethylene glycol, dicarbamate
U108	123-91-1	1,4-Diethyleneoxide
U028	117-81-7	Diethylhexyl phthalate
U086	1615-80-1	N,N'-Diethylhydrazine
U087	3288-58-2	O,O-Diethyl S-methyl dithiophosphate
U088	84-66-2	Diethyl phthalate
U089	56-53-1	Diethylstilbestrol
U090	94-58-6	Dihydrosofrole
U091	119-90-4	3,3'-Dimethoxybenzidine
U092	124-40-3	Dimethylamine (I)
U093	60-11-7	p-Dimethylaminoazobenzene
U094	57-97-6	7,12-Dimethylbenz[alanthracene
U095	119-93-7	3,3'-Dimethylbenzidine
U096	80-15-9	alpha, alpha-Dimethylbenzylhydroperoxide (R)
U097	79-44-7	Dimethylcarbamoyl chloride
U098	57-14-7	1,1-Dimethylhydrazine
U099	540-73-8	1,2-Dimethylhydrazine
U101	105-67-9	2,4-Dimethylphenol
U102	131-11-3	Dimethyl phthalate
U103	77-78-1	Dimethyl sulfate
U105	121-14-2	2,4-Dinitrotoluene
U106	606-20-2	2,6-Dinitrotoluene
U107	117-84-0	Di-n-octyl phthalate
U108	123-91-1	1,4-Dioxane
U109	122-66-7	1,2-Diphenylhydrazine
U110	142-84-7	Dipropylamine (I)
U111	621-64-7	Di-n-propyl nitrosamine
U041	106-89-8	Epichlorohydrin
U001	75-07-0	Ethanal (I)
U001	75-07-0	Ethanamine, N,N-diethyl-
U404	121-44-8	Ethanamine, N-ethyl-N-nitroso-
U174	55-18-5	1,2-Ethanediamine,
U155	91-80-5	N,N-dimethyl-N'-2-pyridinyl

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## NOTICE OF PROPOSED AMENDMENTS

Hazardous Waste No.	Chemical Abstracts No.	Substance
U211	56-23-5	Carbon tetrachloride
U034	75-87-6	Chloral
U035	305-03-3	Chlorambucil
U036	57-74-9	Chlordane, alpha and gamma isomers
U026	494-03-1	Chlornaphazin
U037	108-90-7	Chlorobenzene
U038	510-15-6	Chlorobenzilate
U039	59-50-7	p-Chloro-m-cresol
U042	110-75-8	2-Chloroethyl vinyl ether
U044	67-66-3	Chloroform
U046	107-30-2	Chloromethyl methyl ether
U047	91-58-7	beta-Chloronaphthalene
U048	95-57-8	o-Chlorophenol
U049	3165-93-3	4-Chloro-o-toluidine, hydrochloride
U032	13765-19-0	Chromic acid H[2]CrO[4], calcium salt
U050	218-01-9	Chrysene
U051		Creosote
U052	1319-77-3	Cresol (Cresylic acid)
U053	4170-30-3	Crotonaldehyde
U055	98-82-8	Cumene (I)
U246	506-68-3	Cyanogen bromide CNBr
U197	106-51-4	2,5-Cyclohexadiene-1,4-dione
U056	110-82-7	Cyclohexane (I)
U129	58-89-9	Cyclohexane, 1,2,3,4,5,6-hexachloro-, (1alpha,2alpha,3beta,4alpha,5alpha,6beta)-
U057	108-94-1	Cyclohexanone (I)
U130	77-47-4	1,3-Cyclopentadiene,
U058	50-18-0	1,2,3,4,5-hexachloro-
U240	P 94-75-7	Cyclophosphamide
U059	20830-81-3	2,4-D, salts and esters
U060	72-54-8	Daunomycin
U061	50-29-3	DDD
U062	2303-16-4	DDT
U063	53-70-3	Diallate
U064	189-55-9	Dibenz[a,h]anthracene
U066	96-12-8	Dibenzo[a,i]pyrene
U214	84-74-2	1,2-Dibromo-3-chloropropane
U070	95-50-1	Dibutyl phthalate
U071	541-73-1	o-Dichlorobenzene
U072	106-46-7	m-Dichlorobenzene
U073	91-94-1	p-Dichlorobenzene
U074	764-41-0	3,3'-Dichlorobenzidine
U075	75-71-8	1,4-Dichloro-2-butene (I,T)
		Dichlorodifluoromethane



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Hazardous Waste No.	Chemical Abstracts No.	Substance
U067	106-93-4	-N'-(2-thienylmethyl)-
U076	75-34-3	Ethane, 1,2-dibromo-
U077	107-06-2	Ethane, 1,1-dichloro-
U131	67-72-1	Ethane, 1,2-dichloro-
U024	111-91-1	Ethane, hexachloro-
U117	60-29-7	1,1'-[methylenebis(oxy)]bis[2-chloro-
U025	111-44-4	Ethane, 1,1'-oxybis- (I)
U184	76-01-7	Ethane, 1,1'-oxybis[2-chloro-
U208	630-20-6	Ethane, pentachloro-
U209	79-34-5	Ethane, 1,1,1,2-tetrachloro-
U218	62-55-5	Ethane, 1,1,2,2-tetrachloro-
U226	71-55-6	Ethanethioamide
U227	79-00-5	Ethane, 1,1,1-trichloro-
U410	59669-26-0	Ethane, 1,1,2-trichloro-
U394	30558-43-1	Ethanimidioic acid, N,N'-[thiobis-[(methylimino)carbonyloxy]] bis-, dimethyl ester
U359	110-80-5	Ethanimidioic acid, 2-(dimethyl-amino)-N-hydroxy-2-oxo-, methyl ester
U173	1116-54-7	Ethanol, 2-ethoxy-
U395	5952-26-1	Ethanol, 2,2'-(nitrosoimino)bis-
U004	98-86-2	Ethanone, 2,2'-oxybis-, dicarbamate
U043	75-01-4	Ethane, 1-phenyl-
U042	110-75-8	Ethene, chloro-
U078	75-35-4	Ethene, (2-chloroethoxy)-
U079	156-60-5	Ethene, 1,1-dichloro-
U210	127-18-4	Ethene, 1,2-dichloro-, (E)-
U228	79-01-6	Ethene, trichloro-
U112	141-78-6	Ethyl acetate (I)
U113	140-88-5	Ethyl acrylate (I)
U238	51-79-6	Ethyl carbamate (urethane)
U117	60-29-7	Ethyl ether
U114	P 111-54-6	Ethylenebisdithiocarbamic acid, salts and esters
U067	106-93-4	Ethylene dibromide
U077	107-06-2	Ethylene dichloride
U359	110-80-5	Ethylene glycol monoethyl ether
U115	75-21-8	Ethylene oxide (I,T)
U116	96-45-7	Ethylenethiourea
U076	75-34-3	Ethylidene dichloride
U118	97-63-2	Ethyl methacrylate
U119	62-50-0	Ethyl methanesulfonate

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Hazardous Waste No.	Chemical Abstracts No.	Substance
U120	206-44-0	Fluoranthene
U122	50-00-0	Formaldehyde
U123	64-18-6	Formic acid (C,T)
U124	110-00-9	Furan (I)
U125	98-01-1	2-Furancarboxaldehyde (I)
U147	108-31-6	2,5-Furandione
U213	109-99-9	Furan, tetrahydro- (I)
U125	98-01-1	Furfural (I)
U124	110-00-9	Furfuran (I)
U206	18883-66-4	Glucopyranose, 2-deoxy-2-(3-methyl-3-nitroso-2-oxo-2-deoxy-2-[(methylnitrosoamino)-carbonyl]amino)-
U206	18883-66-4	D-Glucose, 2-deoxy-2-[(methylnitrosoamino)-carbonyl]amino-
U126	765-34-4	Glycidylaldehyde
U163	70-25-7	Guanidine, N-methyl-N'-nitro-N-nitroso-
U127	118-74-1	Hexachlorobenzene
U128	87-68-3	Hexachlorobutadiene
U130	77-47-4	Hexachlorocyclopentadiene
U131	67-72-1	Hexachloroethane
U132	70-30-4	Hexachlorophene
U243	1888-71-7	Hexachloropropene
U133	302-01-2	Hydrazine (R,T)
U086	1615-80-1	Hydrazine, 1,2-diethyl-
U098	57-14-7	Hydrazine, 1,1-dimethyl-
U099	540-73-8	Hydrazine, 1,2-dimethyl-
U109	122-66-7	Hydrazine, 1,2-diphenyl-
U134	7664-39-3	Hydrofluoric acid (C,T)
U134	7664-39-3	Hydrogen fluoride (C,T)
U135	7783-06-4	Hydrogen sulfide
U135	7783-06-4	Hydrogen sulfide H[2]S
U096	80-15-9	Hydroperoxide, 1-methyl-1-phenylethyl-(R)
U116	96-45-7	2-Imidazolidinethione
U137	193-39-5	Indeno[1,2,3-cd]pyrene
U190	85-44-9	1,3-Isobenzofurandione
U140	78-83-1	Isobutyl alcohol (I,T)
U141	120-58-1	Isosafrole
U142	143-50-0	Kepone
U143	303-34-4	Lasiocarpene
U144	301-04-2	Lead acetate
U146	1335-32-6	Lead, bis(acetato-O)tetrahydroxytri-
U145	7446-27-7	Lead phosphate

POLLUTION CONTROL BOARD  
NOTICE OF PROPOSED AMENDMENTS

Hazardous Waste No.	Chemical Abstracts No.	Substance
U146	1335-32-6	Lead subacetate
U129	58-89-9	Lindane
U163	70-25-7	MNNG
U147	108-31-6	Maleic anhydride
U148	123-33-1	Maleic hydrazide
U149	109-77-3	Malononitrile
U150	148-82-3	Melphalan
U151	7439-97-6	Mercury
U152	126-98-7	Methacrylonitrile (I,T)
U092	124-40-3	Methanamine, N-methyl- (I)
U029	74-83-9	Methane, bromo-
U045	74-87-3	Methane, chloro- (I,T)
U046	107-30-2	Methane, chloromethoxy-
U068	74-95-3	Methane, dibromo-
U080	75-09-2	Methane, dichloro-
U075	75-71-8	Methane, dichlorodifluoro-
U138	74-88-4	Methane, iodo-
U119	62-50-0	Methanesulfonic acid, ethyl ester
U211	56-23-5	Methane, tetrachloro-
U153	74-93-1	Methanethiol (I,T)
U225	75-25-2	Methane, tribromo-
U044	67-66-3	Methane, trichloro-
U121	75-69-4	Methane, trichlorofluoro-
U036	57-74-9	4,7-Methano-1H-indene, 1,2,4,5,6,7,8-octachloro-2,3,3a,4,7,7a-hexahydro-
U154	67-56-1	Methanol (I)
U155	91-80-5	Methapyrilene
U142	143-50-0	1,3,4-Metheno-2H-cyclobuta[cd]pentalen-2-one,
U247	72-43-5	1,1a,3,3a,4,5,5a,5b,6-decachlorooctahydro-methoxychlor
U154	67-56-1	Methyl alcohol (I)
U029	74-83-9	Methyl bromide
U186	504-60-9	1-Methylbutadiene (I)
U045	74-87-3	Methyl chloride (I,T)
U156	79-22-1	Methyl chlorocarbonate (I,T)
U226	71-55-6	Methylchloroform
U157	56-49-5	3-Methylcholanthrene
U158	101-14-4	4,4'-Methylenebis(2-chloroaniline)
U068	74-95-3	Methylene bromide
U080	75-09-2	Methylene chloride
U159	78-93-3	Methyl ethyl ketone (MEK) (I,T)
U160	1338-23-4	Methyl ethyl ketone peroxide (R,T)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Hazardous Waste No.	Chemical Abstracts No.	Substance
U138	74-88-4	Methyl iodide
U161	108-10-1	Methyl isobutyl ketone (I)
U162	80-62-6	Methyl methacrylate (I,T)
U161	108-10-1	4-Methyl-2-pentanone (I)
U164	56-04-2	Methylthiouracil
U010	50-07-7	Mitomycin C
U059	20830-81-3	5,12-Naphthacenedione, 8-acetyl-10-[(3-amino-2,3,6-trideoxy)-alpha-L-lyxo-hexapyranosyl]oxyl]-7,8,9,10-tetrahydro-6,8,11-trihydroxy-1-methoxy-, (8S-cis)-
U167	134-32-7	1-Naphthalenamine
U168	91-59-8	2-Naphthalenamine
U026	494-03-1	Naphthaleneamine, N,N'-bis(2-chloroethyl)-
U165	91-20-3	Naphthalene
U047	91-58-7	Naphthalene, 2-chloro-
U166	130-15-4	1,4-Naphthalenedione
U236	72-57-1	2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl-1,1'-biphenyl)-4,4'-diyl]bis(azo)bis[5-amino-4-hydroxy]-, tetrasodium salt
U279	63-25-2	1-Naphthalenol, methylcarbamate
U166	130-15-4	1,4-Naphthoquinone
U167	134-32-7	alpha-Naphthylamine
U168	91-59-8	beta-Naphthylamine
U217	10102-45-1	Nitric acid, thallium (1+) salt
U169	98-95-3	Nitrobenzene (I,T)
U170	100-02-7	p-Nitrophenol
U171	79-46-9	2-Nitropropane (I,T)
U172	924-16-3	N-Nitrosodi-n-butylamine
U173	1116-54-7	N-Nitrosodiethanolamine
U174	55-18-5	N-Nitrosodiethylamine
U176	759-73-9	N-Nitroso-N-ethylurea
U177	684-93-5	N-Nitroso-N-methylurea
U178	615-53-2	N-Nitroso-N-methylurethane
U179	100-75-4	N-Nitrosopiperidine
U180	930-55-2	N-Nitrosopyrrolidine
U181	99-55-8	5-Nitro-o-toluidine
U193	1120-71-4	1,2-Oxathiolane, 2,2-dioxide
U058	50-18-0	2H-1,3,2-Oxaphosphorin-2-amine, N,N-bis(2-chloroethyl)tetrahydro-, 2-oxide

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Hazardous Waste No.	Chemical Abstracts No.	Substance
U146	1335-32-6	Lead subacetate
U129	58-89-9	Lindane
U163	70-25-7	MNNG
U147	108-31-6	Maleic anhydride
U148	123-33-1	Maleic hydrazide
U149	109-77-3	Malononitrile
U150	148-82-3	Melphalan
U151	7439-97-6	Mercury
U152	126-98-7	Methacrylonitrile (I,T)
U092	124-40-3	Methanamine, N-methyl- (I)
U029	74-83-9	Methane, bromo-
U045	74-87-3	Methane, chloro- (I,T)
U046	107-30-2	Methane, chloromethoxy-
U068	74-95-3	Methane, dibromo-
U080	75-09-2	Methane, dichloro-
U075	75-71-8	Methane, dichlorodifluoro-
U138	74-88-4	Methane, iodo-
U119	62-50-0	Methanesulfonic acid, ethyl ester
U211	56-23-5	Methane, tetrachloro-
U153	74-93-1	Methanethiol (I,T)
U225	75-25-2	Methane, tribromo-
U044	67-66-3	Methane, trichloro-
U121	75-69-4	Methane, trichlorofluoro-
U036	57-74-9	4,7-Methano-1H-indene, 1,2,4,5,6,7,8-octachloro-2,3,3a,4,7,7a-hexahydro-
U154	67-56-1	Methanol (I)
U155	91-80-5	Methapyrilene
U142	143-50-0	1,3,4-Metheno-2H-cyclobuta[cd]pentalen-2-one,
U247	72-43-5	1,1a,3,3a,4,5,5a,5b,6-decachlorooctahydro-methoxychlor
U154	67-56-1	Methyl alcohol (I)
U029	74-83-9	Methyl bromide
U186	504-60-9	1-Methylbutadiene (I)
U045	74-87-3	Methyl chloride (I,T)
U156	79-22-1	Methyl chlorocarbonate (I,T)
U226	71-55-6	Methylchloroform
U157	56-49-5	3-Methylcholanthrene
U158	101-14-4	4,4'-Methylenebis(2-chloroaniline)
U068	74-95-3	Methylene bromide
U080	75-09-2	Methylene chloride
U159	78-93-3	Methyl ethyl ketone (MEK) (I,T)
U160	1338-23-4	Methyl ethyl ketone peroxide (R,T)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Hazardous Waste No.	Chemical Abstracts No.	Substance
U115	75-21-8	Oxirane (I,T)
U126	765-34-4	Oxiranecarboxaldehyde
U041	106-89-8	Oxirane, (chloromethyl)-
U182	123-63-7	Paraldehyde
U183	608-93-5	Pentachlorobenzene
U184	76-01-7	Pentachloroethane
U185	82-68-8	Pentachloronitrobenzene (PCNB)
See F027	87-86-5	Pentachlorophenol
U161	108-10-1	Pentanol, 4-methyl-
U186	504-60-9	1,3-Pentadiene (I)
U187	62-44-2	Phenacetin
U188	108-95-2	Phenol
U048	95-57-8	Phenol, 2-chloro-
U039	59-50-7	Phenol, 4-chloro-3-methyl-
U081	120-83-2	Phenol, 2,4-dichloro-
U082	87-65-0	Phenol, 2,6-dichloro-
U089	56-53-1	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-
U101	105-67-9	Phenol, 2,4-dimethyl-
U052	1319-77-3	Phenol, methyl-
U132	70-30-4	Phenol,
U411	114-26-1	Phenol, 2-(1-methylethoxy)-, methyl-carbamate
U170	100-02-7	Phenol, 4-nitro-
See F027	87-86-5	Phenol, pentachloro-
See F027	58-90-2	Phenol, 2,3,4,6-tetrachloro-
See F027	95-95-4	Phenol, 2,4,5-trichloro-
See F027	88-06-2	Phenol, 2,4,6-trichloro-
U150	148-82-3	L-Phenylalanine,
		4-[bis(2-chloroethyl)amino]-
U145	7446-27-7	Phosphoric acid, lead (2+) salt (2:3)
U087	3288-58-2	Phosphorodithioic acid,
		O,O-diethyl S-methyl ester
U189	1314-80-3	Phosphorus sulfide (R)
U190	85-44-9	Phthalic anhydride
U191	109-06-8	2-Picoline
U179	100-75-4	Piperidine, 1-nitroso-
U192	23950-58-5	Pronamide
U194	107-10-8	1-Propanamine (I,T)
U111	621-64-7	1-Propanamine, N-nitroso-N-propyl-
U110	142-84-7	1-Propanamine, N-propyl- (I)
U066	96-12-8	Propane, 1,2-dibromo-3-chloro-
U083	78-87-5	Propane, 1,2-dichloro-

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Hazardous Waste No.	Chemical Abstracts No.	Substance
U149	109-77-3	Propanedinitrile
U171	79-46-9	Propane, 2-nitro- (I,T)
U027	108-60-1	Propane, 2,2'-oxybis[2-chloro-
See F027	93-72-1	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-
U193	1120-71-4	1,3-Propane sultone
U235	126-72-7	1-Propanol, 2,3-dibromo-, phosphate (3:1)
U140	78-83-1	1-Propanol, 2-methyl- (I,T)
U002	67-64-1	2-Propanone (I)
U007	79-06-01	2-Propenamide
U084	542-75-6	1-Propene, 1,3-dichloro-
U243	1888-71-7	1-Propene, 1,1,2,3,3,3-hexachloro-
U009	107-13-1	2-Propenenitrile
U152	126-98-7	2-Propenenitrile, 2-methyl- (I,T)
U008	79-10-7	2-Propenoic acid (I)
U113	140-88-5	2-Propenoic acid, ethyl ester (I)
U118	97-63-2	2-Propenoic acid, 2-methyl-, ethyl ester
U162	80-62-6	2-Propenoic acid, 2-methyl-, methyl ester (I,T)
U373	122-42-9	Propam
U411	114-26-1	Propoxur
See F027	93-72-1	Propionic acid,
		2-(2,4,5-trichlorophenoxy)-
U194	107-10-8	n-Propylamine (I,T)
U083	78-87-5	Propylene dichloride
U387	52888-80-9	Prosulfocarb
U148	123-33-1	3,6-Pyridazinedione, 1,2-dihydro-
U196	110-86-1	Pyridine
U191	109-06-8	Pyridine, 2-methyl-
U237	66-75-1	2,4-(1H,3H)-Pyrimidinedione, 5-[bis(2-chloroethyl)amino]-
U164	58-04-2	4(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-
U180	930-55-2	Pyrrolidine, 1-nitroso-
U200	50-55-5	Reserpine
U201	108-46-3	Resorcinol
U202	P 81-07-2	Saccharin and salts
U203	94-59-7	Safrrole
U204	7783-00-8	Selenious acid
U244	7783-00-8	Selenium dioxide
U205	7488-56-4	Selenium sulfide
U205	7488-56-4	Selenium sulfide SeS[2] (R,T)



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## NOTICE OF PROPOSED AMENDMENTS

Hazardous Waste No.	Chemical Abstracts No.	Substance
U015	115-02-6	L-Serine, diazoacetate (ester)
See F027	93-72-1	Silvex (2,4,5-TP)
U006	18883-66-4	Streptozotocin
U103	77-78-1	Sulfuric acid, dimethyl ester
U189	1314-80-3	Sulfur phosphide (R)
See F027	93-76-5	2,4,5-T
U207	95-94-3	1,2,4,5-Tetrachlorobenzene
U208	630-20-6	1,1,1,2-Tetrachloroethane
U209	79-34-5	1,1,2,2-Tetrachloroethane
U210	127-18-4	Tetrachloroethylene
See F027	58-90-2	2,3,4,6-Tetrachlorophenol
U213	109-99-9	Tetrahydrofuran (I)
U214	563-68-8	Thallium (I) acetate
U215	6533-73-9	Thallium (I) carbonate
U216	7791-12-0	Thallium (I) chloride
U216	7791-12-0	Thallium chloride TlCl
U217	10102-45-1	Thallium (I) nitrate
U218	62-55-5	Thioacetamide
U410	59669-26-0	Thiodicarb
U153	74-93-1	Thiomethanol (I,T)
U244	137-26-8	Thioperoxydicarbonic diamide [(H[2]N)(S))([2]S[2], tetramethyl-)
U409	23564-05-8	Thiophanate-methyl
U219	62-56-6	Thiourea
U244	137-26-8	Thiram
U220	108-88-3	Toluene
U221	25376-45-8	Toluenediamine
U223	26471-62-5	Toluene diisocyanate (R,T)
U328	95-53-4	o-Toluidine
U353	106-49-0	p-Toluidine
U222	636-21-5	o-Toluidine hydrochloride
U389	2303-17-5	Triallate
U011	61-82-5	1H-1,2,4-Triazol-3-amine
U227	79-00-5	1,1,2-Trichloroethane
U228	79-01-6	Trichloroethylene
U121	75-69-4	Trichloromonofluoromethane
See F027	95-95-4	2,4,5-Trichlorophenol
See F027	88-06-2	2,4,6-Trichlorophenol
U404	121-44-8	Triethylamine
U234	99-35-4	1,3,5-Trinitrobenzene (R,T)
U182	123-63-7	1,3,5-Trioxane, 2,4,6-trimethyl-
U235	126-72-7	Tris(2,3-dibromopropyl) phosphate
U236	72-57-1	Trypan blue
U237	66-75-1	Uracil mustard

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## NOTICE OF PROPOSED AMENDMENTS

Hazardous Waste No.	Chemical Abstracts No.	Substance
U176	759-73-9	Urea, N-ethyl-N-nitroso-
U177	684-93-5	Urea, N-methyl-N-nitroso-
U043	75-01-4	Vinyl chloride
U248	P 81-81-2	Warfarin, and salts, when present at concentrations of 0.3% or less
U239	1330-20-7	Xylene (I)
U200	50-55-5	Yohimban-16-carboxylic acid, 11,17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl)oxy]-, methyl ester, (3beta,16beta,17alpha,18beta,20alpha)-Zinc phosphide Zn[3P[2], when present at concentrations of 10% or less
U249	1314-84-7	
(Source: Amended at 22	Ill. Reg. _____,	effective _____)

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## Section 721.APPENDIX H Hazardous Constituents

Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
A2213	Ethanimidothioic acid, 2-(dimethylamino)-N-hydroxy-2-oxo-, methyl ester	30558-43-1	U394
Acetonitrile	Same	75-05-8	U003
Acetophenone	Ethanone, 1-phenyl-	98-86-2	U004
2-Acetylaminofluorene	Acetamide, N-9H-fluoren-2-yl-	53-96-3	9885U005
Acetyl chloride	Same	75-36-5	U006
1-Acetyl-2-thiourea	Acetamide, N-(aminothioxomethyl)-2-Propenal	591-08-2	P002
Acrolein	2-Propenal	107-02-8	P003
Acrylamide	2-Propenamide	79-06-1	U007
Acrylonitrile	2-Propenenitrile	107-13-1	U009
Aflatoxins	Same	1402-68-2	
Aldicarb	Propanal, 2-methyl-2-(methylthio)-, O-[(methylamino)carbonyl]oxime	116-06-3	P070
Aldicarb sulfone	Propanal, 2-methyl-2-(methylsulfonyl)-, O-[(methylamino)carbonyl]oxime	1646-88-4	P203
Aldrin	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8a-hexahydro-, 1-alpha, 4-alpha 4a-beta, 5-alpha, 8-alpha 8a-beta)-2-Propen-1-ol	309-00-2	P004
Allyl alcohol	1-Propene, 3-chloro-	107-18-6	P005
Allyl chloride	Same	107-18-6	
Aluminum phosphide	[1,1'-Biphenyl]-3-amine	20859-73-8	P006
4-Aminobiphenyl	Same	92-67-1	
5-(Aminomethyl)-3-isoxazolol	5-(Aminomethyl)-3-isoxazolone, 4-Pyridinamine	2763-96-4	P007
4-Aminopyridine	1H-1,2,4-Triazol-3-amine	504-24-5	P008
Amitrole	Vanadic acid, ammonium salt	61-82-5	U011
Ammonium vanadate	Benzenamine	7803-55-6	U019
Aniline	Same	62-53-3	U012
Antimony	Antimony compounds, N.O.S.	7440-36-0	
Chemical Abstracts Name	Common Name	Chemical Abstracts Number	Hazardous Waste Number
Sulfurous acid, 2-(4-(1,1-dimethylethyl)phenoxy)-1-methylethyl ester	Aramite	140-57-8	
Arsenic	Arsenic	7440-38-2	
Arsenic acid H[3]AsO[4]	Arsenic compounds, N.O.S		
Arsenic oxide As[2]O[5]	Arsenic acid	7778-39-4	P010
Arsenic oxide As[2]O[3]	Arsenic pentoxide	1303-28-2	9885P011
Benzenamine, 4,4'-carbonimidoylbis[N, N-dimethyl-	Auramine	1327-53-3	P012
L-Serine, diazoacetate (ester)	Azaserine	492-80-8	U014
Carbamic acid, (3-chlorophenyl)-, 4-chloro-2-butynyl ester	Barban	115-02-6	U015
Same	Barium	101-27-9	U280
Same	Barium compounds, N.O.S.		
Same	Barium cyanide	542-62-1	P013
1,3-Benzodioxol-4-ol-2,2-dimethyl-, methyl carbamate	Bendiocarb	22781-23-3	U278
1,3-Benzodioxol-4-ol-2,2-dimethyl-, carbamic acid, [1-[(butylamino)carbonyl]-1H-benzimidazol-2-yl]-, methyl ester	Bendiocarb phenol	22961-82-6	U364
Same	Benomyl	17804-35-2	U271
Same	Benz[c]acridine	225-51-4	U016
Same	Benz[a]anthracene	56-55-3	U018
Same	Benzal chloride	98-87-3	U017
Same	Benzene	71-43-2	U018
Same	Benzenearsonic acid	98-05-5	
Same	Benzenidine	92-87-5	U021
Same	Benzol[b]fluoranthene	205-99-2	
Same	Benzol[j]fluoranthene	205-82-3	
Same	Benzol[k]fluoranthene	207-08-9	
Same	Benzol[a]pyrene	50-32-8	U022
2,5-Cyclohexadiene-1,4-dione	p-Benzoquinone	106-51-4	U197
Benzene,	Benzo[trichloride	98-07-7	U023

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Benzyl chloride	(trichloromethyl)-Benzene, (chloromethyl)-Same	100-44-7 7440-41-7	P028 P015	Chlordane	4-[bis(2-chloroethyl)amino]-4,7-Methano-1H-indene, 1,2,4,5,6,7,8,8-octachloro-2,3,3a,4,7,7a-hexahydro-	57-74-9	U036
Beryllium powder							
Beryllium compounds, N.O.S.				Chlordane, alpha and gamma isomers			
Bis(pentamethylene)thiuram tetrasulfide	Piperidine, 1,1'-(tetra-thiodicarbonothioyl)-bis-2-Propanone, 1-bromo	120-54-7		Chlorinated benzenes, N.O.S.			
Bromoacetone	Methane, tribromo-	598-31-2	P017	Chlorinated ethane, N.O.S.			
Bromoform	Benzene, 1-bromo-4-phenoxy-	75-25-2	U225	Chlorinated fluorocarbons, N.O.S.			
4-Bromophenyl phenyl ether	1-bromo-4-phenoxy-	101-55-3	U030	Chlorinated naphthalene, N.O.S.			
Brucine	Strychnidin-10-one, 2,3-dimethoxy-	357-57-3	P018	Chlorinated phenol, N.O.S.			
Butylate	Carbamothioic acid, bis-(2-methylpropyl)-, S-ethyl ester	2008-41-5		Chloroacetaldehyde			
Butyl benzyl phthalate	1,2-Benzenedicarboxylic acid, butyl phenylmethyl ester	85-68-7		Chloroalkyl ethers, N.O.S.			
Cacodylic acid	Arsenic acid, dimethyl-Same	75-60-5 7440-43-9	U136	p-Chloroaniline			
Cadmium				Chlorobenzene			
Cadmium compounds, N.O.S.				Chlorobenzilate			
Calcium chromate	Chromic acid H[2]CrO[4], calcium salt	13765-19-0	U032				
Calcium cyanide	Calcium cyanide Ca(CN)[2]	592-01-8	P021				
Carbaryl	1-Naphthalenol, methyl-carbamate	63-25-2	U279				
Carbendazim	Carbamic acid, 1H-benzimidazol-2-yl, methyl ester	10605-21-7	U372				
Carbofuran	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-, methylcarbamate	1563-66-2	P127				
Carbofuran phenol	7-Benzofuranol, 2,3-dihydro-2,2-dimethyl-Carbamic acid, [(dibutylamino)thio] methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester	1563-38-8	U367				
Carbosulfan	Carbamic acid, [(dibutylamino)thio] methyl-, 2,3-dihydro-2,2-dimethyl-7-benzofuranyl ester	55285-14-8	P189				
Carbon disulfide	Same	75-15-0	P022				
Carbon oxyfluoride	Carbonic difluoride	353-50-4	U033				
Carbon tetrachloride	Methane, tetrachloro-Acetaldehyde, trichloro-Benzenebutanoic acid	56-23-5 75-87-6 305-03-3	U211 U034 U035				
Chloral							
Chlorambucil							



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N.O.S.			
Chrysene	Same	218-01-9	U050
Citrus red No. 2	2-Naphthalenol, 1-[(2, 5-dimethoxyphenyl) azo]-	6358-53-8	
Coal tar creosote	Same	8007-45-2	
Copper cyanide	Copper cyanide CuCN	544-92-3	P029
Copper dimethyldithiocarbamate	Copper, bis(dimethyl- carbamodithioato-S,S')-,	137-29-1	
Creosote	Same		U051
Cresols (Cresylic acid)	Phenol, methyl-	1319-77-3	U052
Crotonaldehyde	2-Butenal	4170-30-3	U053
m-Cumenyl methylcarbamate	Phenol, 3-(methylethyl)-, methyl carbamate	64-00-6	P202
Cyanides (soluble salts and complexes), N.O.S.			P030
Cyanogen	Ethanedinitrile	460-19-5	P031
Cyanogen bromide	Cyanogen bromide (CN)Br	506-68-3	U246
Cyanogen chloride	Cyanogen chloride (CN)Cl	506-77-4	P033
Cycasin	Beta-D-glucopyranoside, (methyl-ONN-azoxy)methyl-	14901-08-7	
Cycloate	Carbamothioic acid, cyclo- hexylethyl-, S-ethyl ester	1134-23-2	
2-Cyclohexyl-4, 6-dinitrophenol	Phenol, 2-cyclohexyl-4, 6-dinitro-	131-89-5	P034
Cyclophosphamide	2H-1, 3, 2- Oxazaphosphorin-2-amine, N, N-bis(2-chloroethyl) tetrahydro-, 2-oxide	50-18-0	U058
2,4-D	Acetic acid, (2,4-dichlorophenoxy)- Acetic acid, (2,4-dichlorophenoxy)-, salts and esters	94-75-7	U240
2,4-D, salts and esters			U240
Daunomycin	5, 12-Naphthacenedione, 8-acetyl-10-[(3-amino-2,3,6- trideoxy-alpha-L-lyxo- hexopyranosyl)oxy] -7,8,9,10-tetrahydro-6, 8,11-trihydroxy-1- methoxy-, 8S-cis)- 2H-1,3,5-thiadiazine-2-	20830-81-3	U059
Dazomet		533-74-4	

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DDD	thione, tetrahydro-3,5- dimethyl	72-54-8	U060
DDE	Benzene, 1,1'- bis[4-chloro- (dichloroethenylidene)bis (4-chloro-	72-55-9	
DDT	Benzene, 1,1'-(2, 2, 2-trichloroethylidene) bis[4-chloro-	50-29-3	U061
Diallate	Carbamothioic acid, bis(1-methylethyl)-, S-(2, 3- dichloro-2-propenyl) ester	2303-16-4	U062
Dibenz[a,h]acridine	Same	226-36-8	
Dibenz[a,j]acridine	Same	224-42-0	
Dibenz[a,h]anthracene	Same	53-70-3	U063
7H-Dibenzo[c,g]carbazole	Same	194-59-2	
Dibenzo[a,e]pyrene	Naphtho[1,2,3, 4-def]chrysene	192-65-4	
Dibenzo[a,h]pyrene	Dibenzo[b,def]chrysene	189-64-0	
Dibenzo[a,i]pyrene	Benzo[rs]pentaphene	189-55-9	
1,2-Dibromo- 3-chloropropane	Propane, 1,2- dibromo-3-chloro-	96-12-8	
Dibutyl phthalate	1,2-Benzenedicarboxylic acid, dibutyl ester	84-74-2	U069
o-Dichlorobenzene	Benzene, 1,2-dichloro-	95-50-1	U070
m-Dichlorobenzene	Benzene, 1,3-dichloro-	541-73-1	U071
p-Dichlorobenzene	Benzene, 1,4-dichloro-	106-46-7	U072
Dichlorobenzene, N.O.S.	Benzene, dichloro-, [1,1'-Biphenyl]-4,4'- diamine, 3,3'-dichloro-	25321-22-6	
3,3'-Dichlorobenzidine	2-Butene, 1,4-dichloro-	91-94-1	U073
1,4-Dichloro-2-butene	Methane, dichlorodifluoro- Dichloroethylene	764-41-0	U074
Dichlorodifluoromethane		75-71-8	U075
Dichloroethylene		25323-30-2	
N.O.S.			
1,1-Dichloroethylene	Ethene, 1,1-dichloro-	75-35-4	U078
1,2-Dichloroethylene	Ethene, 1,2-dichloro-, (E)-	156-60-5	U079
Dichloroethyl ether	Ethane, 1,1'-oxybis[2-chloro- propane, 2,2'-oxybis[2-chloro-	111-44-4	U025
Dichloroisopropyl ether		108-60-1	U027

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Dichloromethoxyethane	Ethane, 1,1'-[methylenebis(oxy)]bis-[2-chloro-	111-91-1	U024
Dichloromethyl ether	Methane, oxybis(chloro-	542-88-1	P016
2,4-Dichlorophenol	Phenol, 2,4-dichloro-	120-83-2	U081
2,6-Dichlorophenol	Phenol, 2,6-dichloro-	87-65-0	U082
Dichlorophenyl-arsine	Arsenous dichloride, phenyl-	696-28-6	P036
Dichloropropane, N.O.S.	Propane, dichloro-	26638-19-7	
Dichloropropanol, N.O.S.	Propanol, dichloro-	26545-73-3	
Dichloropropene, N.O.S.	1-Propene, dichloro-	26952-23-8	
1,3-Dichloropropene	1-Propene, 1,3-dichloro-	542-75-6	U084
Dieldrin	2,7,3,6-Dimethanonaphth [2,3-b]oxirene, 3,4, 5,6,9,9-hexachloro-la, 2,2a,3,6a,7,7a-octahydro-, (laalpa, 2 beta, 2aalpa, 3 beta, 6 beta, 6a alpha, 7 beta, 7a alpha)-	60-57-1	P037
1,2,3,4-Diepoxybutane	2,2'-Bioxirane	1464-53-5	U085
Diethylarsine	Arsine, diethyl-	692-42-2	P038
Diethylene glycol, dicarbamate	Ethanol, 2,2'-oxy-bis-, dicarbamate	5952-26-1	U095
1,4-Diethyleneoxide	1,4-Dioxane	123-91-1	U108
Diethylhexyl phthalate	1,2-Benzenedicarboxylic acid, bis(2-ethylhexyl) ester	117-81-7	U028
N,N'-Diethylhydrazine	Hydrazine, 1,2-diethyl-	1615-80-1	U086
O,O-Diethyl S-methyl dithiophosphate	Phosphorodithioic acid, O,O-diethyl S-methyl ester-	3288-58-2	U087
Diethyl-p-nitrophenyl phosphate	Phosphoric acid, diethyl 4-nitrophenyl ester	311-45-5	P041
Diethyl phthalate	1,2-Benzenedicarboxylic acid, diethyl ester-	84-66-2	U088
O,O-Diethyl O-phosphorothioic acid,	Phosphorothioic acid,	297-97-2	P040

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pyrazinyl phosphorothioate Diethylstilbestrol	O,O-diethyl O-pyrazinyl ester Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-1,3-Benzodioxole, 5-propyl-phosphorofluoridic acid, bis(1-methylethyl) ester	56-53-1	U089
Dihydrosafrole Disopropyl fluorophosphate (DFP)	Phenol, 4,4'-(1,2-diethyl-1,2-ethenediyl)bis-, (E)-1,3-Benzodioxole, 5-propyl-phosphorofluoridic acid, bis(1-methylethyl) ester	94-58-6	U090
Dimethoate	Phosphorodithioic acid, O,O-diethyl S-[2-(methylamino)-2-oxoethyl] ester	55-91-4	P043
Dimetilan	Carbamic acid, dimethyl-, 1-[(dimethylamino)carbonyl]-5-methyl-1H-pyrazol-3-yl ester	60-51-5	P044
3,3'-Dimethoxy benzidine	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethoxy-	644-64-4	P191
p-Dimethylamino azobenzene	Benzenamine, N,N'-dimethyl-4-(phenylazo)-	119-90-4	U091
7,12-Dimethylbenz[a]anthracene	Benz[a]anthracene, 7,12-dimethyl-	60-11-7	U093
3,3'-Dimethyl benzidine	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethyl-	57-97-6	U094
Dimethylcarbamoyl chloride	Carbamic chloride, dimethyl-	119-93-7	U095
1,1-Dimethylhydrazine	Hydrazine, 1,1-dimethyl-	57-14-7	U098
1,2-Dimethylhydrazine alpha,alpha-Dimethyl phenethylamine	Hydrazine, 1,2-dimethyl-Benzenethanamine, alpha, alpha-dimethyl-phenol, 2,4-dimethyl-	540-73-8	U099
2,4-Dimethylphenol	Phenol, 2,4-dimethyl-	122-09-8	P046
Dimethylphthalate	1,2-Benzenedicarboxylic acid, dimethyl ester	105-67-9	U101
Dimethyl sulfate	Sulfuric acid, dimethyl ester	131-11-3	U102
Dinitrobenzene, N.O.S.	Benzenamine, dinitro-	77-78-1	U103
4,6-Dinitro-O-cresol	Phenol, 2-methyl-4,6-dinitro-	25154-54-5	P047
4,6-Dinitro-O-cresol salts	Phenol, 2-methyl-4,6-dinitro-	534-52-1	P047

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2,4-Dinitrophenol	Phenol, 2,4-dinitro-	51-28-5	P048
2,4-Dinitrotoluene	Benzene, 1-methyl-2,4-dinitro-	121-14-2	U105
2,6-Dinitrotoluene	Benzene, 2-methyl-	606-20-2	U106
Dinoseb	1,3-dinitro-Phenol, 2-(1-methylpropyl)-4,6-dinitro-	88-85-7	P020
Di-n-octyl phthalate	1,2-Benzenedicarboxylic acid, dioctyl ester	117-84-0	U107
Diphenylamine	Benzenamine, N-phenyl-	122-39-4	
1,2-Diphenylhydrazine	Hydrazine, 1,2-diphenyl	122-66-7	U109
Di-n-propyl nitrosamine	1-Propanamine, N-nitroso-N-propyl-	621-64-7	U111
Disulfiram	Thioeroxycarbonic diamide, tetraethyl	97-77-8	
Disulfoton	Phosphorodithioic acid, O,O-diethyl S-[2-(ethylthio)ethyl] ester	298-04-4	P039
Dithiobiuret	Thioimidocarbonic diamide [(H(2)N)C(S)](2)NH	541-53-7	P049
Endosulfan	6,9-Methano-2,4,3-benzodioxathiepen, 6,7,8,9,10,10-hexachloro-1, 5, 5a, 6, 9, 9a-hexahydro-, 3-oxide,	115-29-7	P050
Endothal	7-Oxabicyclo[2.2.1]heptane-2,3-dicarboxylic acid	145-73-3	P088
Endrin	2,7:3,6-Dimethanonaphth[2,3-b]oxirane, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a-octahydro-, (1a alpha, 2 beta, 2a beta, 3 alpha, 6 alpha, 6a beta, 7 beta, 7a alpha)-,	72-20-8	P051
Endrin metabolites			
Epichlorohydrin	Oxirane, (chloromethyl)-	106-89-8	P051
Epinephrine	1,2-Benzenediol, 4-[[1-hydroxy-2-(methylamino)ethyl]-,(R)-	51-43-4	U041
EPTC	Carbamothioic acid, dipropyl-, S-ethyl ester	759-94-4	P042
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Ethyl carbamate (urethane)	Ethyl carbamate (urethane)	51-79-6	U238
Ethyl cyanide	Propanenitrile	107-12-0	P101
Ethylenebisdithiocarbamic acid	Carbamodithioic acid, -1,2-ethanedithiolbis-	111-54-6	U114
Ethylenebisdithiocarbamic acid, salts and esters			U114
Ethylene dibromide	Ethane, 1,2-dibromo-	106-93-4	U067
Ethylene dichloride	Ethane, 1,2-dichloro-	107-06-2	
Ethylene glycol monoethyl ether	Ethanol, 2-ethoxy-	110-80-5	U359
Ethyleneimine	Aziridine	151-56-4	P054
Ethylene oxide	Oxirane	75-21-8	U115
Ethylenethiourea	2-Imidazolidinethione	96-45-7	U116
Ethylidene dichloride	Ethane, 1,1-dichloro-	75-34-3	U076
Ethyl methacrylate	2-Propenoic acid, 2-methyl-, ethyl ester	97-63-2	U118
Ethyl methanesulfonate	Methanesulfonic acid, ethyl ester	62-50-0	U119
Ethyl Ziram	Zinc, bis(diethylcarbamodithioato-S,S')-	14324-55-1	U407
Famphur	Phosphorothioic acid, O-[4-[(dimethylamino)sulfonyl]phenyl]	52-85-7	P097
Ferbam	O,O-dimethyl ester Iron, tris(dimethylcarbamodithioato-S,S')-,	14484-64-1	
Fluoranthene	Same	206-44-0	U120
Fluorine	Same	7782-41-4	P056
Fluoroacetamide	Acetamide, 2-fluoro-	640-19-7	P057
Fluoroacetic acid, sodium salt	Acetic acid, fluoro-, sodium salt	62-74-8	P058
Formaldehyde	Same	50-00-0	U122
Formetanate hydrochloride	Methanimidamide, N,N-dimethyl-N'-[3-[[[methylamino]carbonyl]-oxy]phenyl]-, monohydrochloride	23422-53-9	P198
Formic acid	Same	64-18-16	U123
Formparanate	Methanimidamide, N,N-dimethyl-N'-[2-methyl-4-[[[methylamino]-carbonyl]oxy]phenyl]-	17702-57-7	P197
Glycidylaldehyde	Oxiranecarboxaldehyde	765-34-4	U126

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Halomethanes, N.O.S. Heptachlor	4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-	76-44-8	P059	Isodrin	1,4:5,8-Dimethano naphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1 alpha, 4 alpha, 4a beta, 5 beta, 8 beta, 8a beta)-	465-73-6	P060
Heptachlor epoxide	2,5-Methano-2H-indeno [1,2b]oxirene, 2,3,4,5,6,7,7-heptachloro-1a, 1b,5,5a,6,6a-hexahydro-, (1a alpha, 1b beta, 2 alpha, 5 alpha, 5a beta, 6 beta, 6a alpha)-	1024-57-3		Isolan	Carbamic acid, dimethyl-, 3-methyl-1-(1-methyl-ethyl)-1H-pyrazol-5-yl ester	119-38-0	P192
Heptachlor epoxide (alpha, beta, and gamma isomers)				Isosafrole	1,3-Benzodioxole, 5-(1-propenyl)-	120-58-1	U141
Heptachlorodibenzofurans				Kepone	1,3,4-Metheno-2H-cyclobuta[cd]pentalen-2-one, 1,1a,3,3a,4,5,5a,5b,6-decachlorooctahydro-, 2-Butenoic acid, 2 methyl-, 7-[(2, 3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy)methyl]-2,3,5,7a-tetrahydro-1H-pyrazolizin-1-yl ester, [1S-[(1-alpha(2), 7(2S*, 3R*), 7a alpha)]-Same	143-50-0	U142
Hexachlorobenzene	Benzene, hexachloro-	118-74-1	U127	Lasiocarpine	Same	303-34-1	U143
Hexachlorobutadiene	1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	87-68-3	U128				
Hexachlorocyclopentadiene	1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-	77-47-4	U130				
Hexachlorodibenzop-dioxins							
Hexachlorodibenzofurans	Ethane, hexachloro-	67-72-1	U131	Lead	Lead and compounds, N.O.S.		
Hexachloroethane	Phenol, 2,2'-methylene-bis [3,4,6-trichloro-1-Propene, 1,1,2,3,3,3-hexachloro-	70-30-4	U132	Lead acetate	Acetic acid, lead (2+) salt	301-04-2	U144
Hexachloropropene	1,2,3,4,5,5-hexachloro-hexachloro-hexaethyl ester	1088-71-7	U243	Lead phosphate	Phosphoric acid, lead (2+) salt (2:3)	7446-27-7	U145
	Same			Lead subacetate	Lead, bis(acetato-O) tetrahydroxytri-cyclohexane, 1,2,3,4,5,6-hexachloro-, 1 alpha, 2 alpha, 3 beta, 4 alpha, 5 alpha, 6 beta)-	1335-32-6	U146
Hexaethyltetraphosphate	Tetraphosphoric acid, hexaethyl ester	757-58-4	P062	Lindane	5 alpha, 6 beta)-2,5-Furandione	58-89-9	U129
Hydrazine	Hydrocyanic acid	302-01-2	U133	Maleic anhydride	3,6-Pyridazinedione, 1,2-dihydro-	108-31-6	U147
Hydrogen cyanide	Hydrofluoric acid	74-90-8	P063	Maleic hydrazide	Propanedinitrile	123-33-1	U148
Hydrogen fluoride	Hydrogen sulfide	7783-06-4	U134	Malononitrile	Manganese, bis(dimethyl-carbamodithioato-S,S')-, L-Phenylalanine, 4-[bis(2-chloroethyl)amino]-	109-77-3	U149
Indenol[1,2,3-cd]pyrene	Same	193-39-5	U135	Manganese carbamate	15339-36-3	15339-36-3	P196
3-Iodo-2-propynyl-n-butyl-carbamate	Carbamic acid, butyl-, 3-iodo-2-propynyl ester	55406-53-6	U137	Melphalan	148-82-3	148-82-3	U150
Isobutyl alcohol	1-Propanol, 2-methyl-	78-83-1	U140				

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Isodrin	1,4:5,8-Dimethano naphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8,8a-hexahydro-, (1 alpha, 4 alpha, 4a beta, 5 beta, 8 beta, 8a beta)-	465-73-6	P060
Isolan	Carbamic acid, dimethyl-, 3-methyl-1-(1-methyl-ethyl)-1H-pyrazol-5-yl ester	119-38-0	P192
Isosafrole	1,3-Benzodioxole, 5-(1-propenyl)-	120-58-1	U141
Kepone	1,3,4-Metheno-2H-cyclobuta[cd]pentalen-2-one, 1,1a,3,3a,4,5,5a,5b,6-decachlorooctahydro-, 2-Butenoic acid, 2 methyl-, 7-[(2, 3-dihydroxy-2-(1-methoxyethyl)-3-methyl-1-oxobutoxy)methyl]-2,3,5,7a-tetrahydro-1H-pyrazolizin-1-yl ester, [1S-[(1-alpha(2), 7(2S*, 3R*), 7a alpha)]-Same	143-50-0	U142
Lasiocarpine	Same	303-34-1	U143
Lead	Lead and compounds, N.O.S.		
Lead acetate	Acetic acid, lead (2+) salt	301-04-2	U144
Lead phosphate	Phosphoric acid, lead (2+) salt (2:3)	7446-27-7	U145
Lead subacetate	Lead, bis(acetato-O) tetrahydroxytri-cyclohexane, 1,2,3,4,5,6-hexachloro-, 1 alpha, 2 alpha, 3 beta, 4 alpha, 5 alpha, 6 beta)-	1335-32-6	U146
Lindane	5 alpha, 6 beta)-2,5-Furandione	58-89-9	U129
Maleic anhydride	3,6-Pyridazinedione, 1,2-dihydro-	108-31-6	U147
Maleic hydrazide	Propanedinitrile	123-33-1	U148
Malononitrile	Manganese, bis(dimethyl-carbamodithioato-S,S')-, L-Phenylalanine, 4-[bis(2-chloroethyl)amino]-	109-77-3	U149
Manganese carbamate	15339-36-3	15339-36-3	P196
Melphalan	148-82-3	148-82-3	U150

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<u>Common Name</u>	<u>Chemical Abstracts Name</u>	<u>Chemical Abstracts Number</u>	<u>Hazardous Waste Number</u>
Mercury	Same	7439-97-6	U151
Mercury compounds, N.O.S.			
Mercury fulminate	Fulminic acid, mercury (2+) salt	628-86-4	P065
Metam Sodium	Carbamodithioic acid, methyl-, monosodium salt	137-42-8	
Methacrylonitrile	2-Propenenitrile, 2-methyl-	126-98-7	U152
Methapyrilene	1,2 Ethanediimine, N,N'-dimethyl-N'-2-pyridinyl-N'-(2-thienylmethyl)-	91-80-5	U155
Methiocarb	Phenol, (3,5-dimethyl-4-(methylthio)-, methyl-carbamate	2032-65-7	P199
Metholmyl	Ethanimidithioic acid, N-[(methylamino)carbonyl]oxyl-, methyl ester	16752-77-5	P066
Methoxychlor	Benzene, 1,1'-(2,2,2-trichloroethylidene)bis(4-methoxy-	72-43-5	U247
Methyl bromide	Methane, bromo-	74-83-9	U029
Methyl chloride	Methane, chloro-	74-87-3	U045
Methylchlorocarbonate	Carbonochloridic acid, methyl ester	79-22-1	U156
Methyl chloroform	Ethane, 1,1,1-trichloro-	71-55-6	U226
3-Methylcholanthrene	Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-	56-49-5	U157
4,4'-Methylenebis (2-chloroaniline)	Benzenamine, 4,4'-methylenebis[2-chloro-	101-14-4	U158
Methylene bromide	Methane, dibromo-	74-95-3	U068
Methylene chloride	Methane, dichloro-	75-09-2	U080
Methyl ethyl ketone (MEK)	2-Butanone	78-93-3	U159
Methyl ethyl ketone peroxide	2-Butanone, peroxide	1338-23-4	U160
Methyl hydrazine	Hydrazine, methyl-	60-34-4	P068
Methyl iodide	Methane, iodo-	74-88-4	U138
Methyl isocyanate	Methane, isocyanato-	624-83-9	P064
2-Methylactonitrile	Propanenitrile, 2-hydroxy-2-methyl-	75-86-5	P069
Methyl methacrylate	2-Propenoic acid, 2-methyl-, methyl ester	80-62-6	U162
Methyl methanesulfonate	Methanesulfonic acid, methyl ester	66-27-3	

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<u>Common Name</u>	<u>Chemical Abstracts Name</u>	<u>Chemical Abstracts Number</u>	<u>Hazardous Waste Number</u>
Methyl parathion	Phosphorothioic acid, O,O-dimethyl O-(4-nitrophenyl) ester	298-00-0	P071
Methylthiouracil	4-(1H)-Pyrimidinone, 2,3-dihydro-6-methyl-2-thioxo-	56-04-2	U164
Metolcarb	Carbamic acid, methyl-, 3-methylphenyl ester	1129-41-5	P190
Mexacarbate	Phenol, 4-(dimethylamino)-3,5-dimethyl-, methyl-carbamate (ester)	315-18-4	P128
Mitomycin C	Azirino[2', 3':3, 4]pyrrolo[1,2-a]indole-4,7-dione, 6-amino-8-[[[(aminocarbonyl)oxymethyl]-1,la,2,8,8a,8b-hexahydro-8a-methoxy-5-methyl-, [1a-S-(1a alpha, 8 beta, 8a alpha, 8b alpha)]-, 1H-Azepine-1-carbothioic acid, hexahydro-, S-ethyl ester	50-07-7	U010
Molinate	Guanidine, N-methyl-N'-nitro-N-nitroso-ethane, 1,1'-thiobis [2-chloro-	2212-67-1	U163
MNNG	Same	70-25-7	U165
Mustard gas	1,4-Naphthalenedione	505-60-2	U165
Naphthalene	1-Naphthalenamine	91-20-3	U165
1,4-Naphthoquinone	2-Naphthalenamine	130-15-4	U166
-Naphthylamine	Thiourea, 1-naphthalenyl-	134-32-7	U167
beta-Naphthylamine	Same	91-59-8	U168
alpha-Naphthyl thiourea	Same	86-88-4	P072
Nickel	Nickel compounds, N.O.S.	7440-02-0	
Nickel carbonyl	Nickel carbonyl	13463-39-3	P073
Nickel cyanide	Ni(CO)[4], (T-4)-Nickel cyanide	557-19-7	P074
Nicotine	Ni(CN)[2]Pyridine, 3-(1-methyl-2-pyrrolidinyl)-, (S)-	54-11-5	P075
Nicotine salts	Nitrogen oxide NO	10102-43-9	P075
Nitric oxide	Benzenamine, 4-nitro	100-01-6	P076
p-Nitroaniline			P077

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number	Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
Nitrobenzene	Benzene, nitro	98-95-3	P078	pyrophosphoramide	octamethyl-	20816-12-0	P087
Nitrogen dioxide	Nitrogen oxide NO[2]	10102-44-0	P078	Osmium tetroxide	Osmium oxide OsO[4], (T-4)	23135-22-0	P194
Nitrogen mustard	Ethanamine, 2-chloro-N-(2-chloroethyl)-N-methyl-	51-75-2		Oxamyl	Ethanimidothioic acid, 2-(dimethylamino-N-[(methylamino)carbonyl]-oxy]-2-oxo-, methyl ester		
Nitrogen mustard, hydrochloride salt				Paraldehyde	1,3,5-Trioxane, 2,4,6-trimethyl phosphorothioic acid, O,O-diethyl O-	123-63-7	U182
Nitrogen mustard N-oxide	Ethanamine, 2-chloro-N-(2-chloroethyl)-N-methyl-, N-oxide	126-85-2		Parathion	(4-nitrophenyl) ester Carbamothioic acid, butyl-	56-38-2	P089
Nitrogen mustard, N-oxide, hydrochloride salt				Rebutate	Benzene, pentachloro-	1114-71-2	U183
Nitroglycerin	1,2,3-Propanetriol, trinitrate	55-63-0	P081	Pentachlorobenzene	ethyl-, S-propyl ester	608-93-5	
p-Nitrophenol	Phenol, 4-nitro	100-02-7	U170	Pentachlorodibenzo-p-dioxins			
2-Nitropropane	Propane, 2-nitro	79-46-9	U171	Pentachlorodibenzofurans			
Nitrosamines, N.O.S.	1-Butanamine, N-butyl-N-butyl-N-nitroso-	35576-91-1	U172	Pentachloroethane			
N-Nitrosodi-n-butylamine	Ethanol, 2,2'-(nitrosoimino)bis-	924-16-3	U173	Pentachloronitrobenzene (PCNB)			
N-Nitrosodiethanolamine	Ethanamine, N-ethyl-N-nitroso-	1116-54-7	U174	Pentachlorophenol			
N-Nitrosodiethylamine	Ethanamine, N-ethyl-N-nitroso-	55-18-5	U174	Phenacetin			
N-Nitrosodimethylamine	Methanamine, N-methyl-N-nitroso-	62-75-9	P082	Phenol			
N-Nitroso-N-ethylurea	Urea, N-ethyl-N-nitroso-	759-73-9	U176	Phenylenediamine			
N-Nitrosomethylethylamine	Ethanamine, N-methyl-N-nitroso-	10595-95-6		Phenylmercury acetate			
N-Nitroso-N-methylurea	Urea, N-methyl-N-nitroso-	684-93-5	U177	Phenylthiourea			
N-Nitroso-N-methylurethane	Carbamic acid, methyl nitroso-, ethyl ester	615-53-2	U178	Phosgene			
N-Nitrosomethylvinylamine	Vinylamine, N-methyl-N-nitroso-	4549-40-0	P084	Phosphate			
N-Nitrosomorpholine	Morpholine, 4-nitroso	59-89-2		Phthalic acid esters, N.O.S.			
N-Nitrosornicotine	Pyridine, 3-(1-nitroso-2-pyrrolidinyl)-, (S)-	16543-55-8		Phthalic anhydride			
N-Nitrosopiperidine	Piperidine, 1-nitroso-	100-75-4	U179	Physostigmine			
N-Nitrosopyrrolidine	Pyrrolidine, 1-nitroso-	930-55-2	U180				
N-Nitrososarcosine	Glycine, N-methyl-N-nitroso-	13256-22-9					
5-Nitro-o-toluidine	Benzenamine, 2-methyl-5-nitro-	99-55-8	U181				
Octamethyl	Diphosphoramide,	152-16-9	P085				

1,3-Isobenzofurandione  
Pyrrolo[2,3-b]indol-5-ol,  
1,2,3,3a,8,8a-hexahydro-  
1,3a,8-trimethyl-, methyl-  
carbamate (ester),  
(3aS-cis)-

Phthalic acid esters,  
N.O.S.  
Phthalic anhydride  
Physostigmine

U190  
P204

85-44-9  
57-47-6

103-85-5  
75-44-5  
7803-51-2  
298-02-2

108-95-2  
25265-76-3  
62-38-4

103-85-5  
75-44-5  
7803-51-2  
298-02-2

108-95-2  
25265-76-3  
62-38-4

103-85-5  
75-44-5  
7803-51-2  
298-02-2



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<u>Common Name</u>	<u>Chemical Abstracts Name</u>	<u>Chemical Abstracts Number</u>	<u>Hazardous Waste Number</u>
Physostigmine salicylate	Benzoic acid, 2-hydroxy-compound with (3aS-cis)-1,2,3,3a,8,8a-hexahydro-1,3a,8-trimethylpyrrolo-[2,3-b]indol-5-yl methyl carbamate ester (1:1)	57-64-7	P188
2-Picoline	Pyridine, 2-methyl-	109-06-8	U191
Polychlorinated biphenyls, N.O.S.	Same	151-50-8	
Potassium cyanide	Carbamodithioc acid, dimethyl, potassium salt	128-03-0	P098
Potassium dimethyldithiocarbamate	Carbamodithioc acid, (hydroxymethyl)methyl-, monopotassium salt	51026-28-9	
Potassium n-hydroxymethyl-n-methyl-dithiocarbamate	Carbamodithioc acid, methyl-monopotassium salt	137-41-7	
Potassium n-methyldithiocarbamate	Argentate(1-), bis(cyano-C)-, potassium)	506-61-6	P099
Potassium silver cyanide	Pentachlorophenol, potassium salt	7778736	None
Potassium pentachlorophenate	Phenol, 3-methyl-5-(1-methylethyl)-, methyl carbamate	2631-37-0	P201
Promecarb	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propenyl)-	23950-58-5	U192
Pronamide	1,2-Oxathiolane, 2,2-dioxide	1120-71-4	U193
1,3-Propane sultone	Carbamic acid, phenyl-, 1-methylethyl ester	122-42-9	U373
Propham	Phenol, 2-(1-methyl-ethoxy)-, methylcarbamate	114-26-1	U411
Propoxur	1-Propanamine	107-10-8	U194
n-Propylamine	2-Propyn-1-ol	107-19-7	P102
Propargyl alcohol	Propane, 1,2-dichloro-	78-87-5	U083
Propylene dichloride	Aziridine, 2-methyl-4(1H)-pyrimidinone, 2,3-dihydro-6-propyl-2-thioxo-	75-55-8	P067
1,2-Propylenimine	Carbamothioic acid, dipropyl-, S-(phenyl-	51-52-5	
Propylthiouracil			
Prosulfocarb		52888-80-9	U387

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<u>Common Name</u>	<u>Chemical Abstracts Name</u>	<u>Chemical Abstracts Number</u>	<u>Chemical Abstracts Number</u>	<u>Hazardous Waste Number</u>
Pyridine	methyl) ester	110-86-1		U196
Reserpine	Same	50-55-5		U200
	Yohimban-16-carboxylic acid, 11, 17-dimethoxy-18-[(3,4,5-trimethoxybenzoyl) oxy]-, methyl ester, (3 beta, 16 beta, 17 alpha, 18 beta, 20 alpha)-,			
Resorcinol	1,3-Benzenediol	108-46-3		U201
Saccharin	1,2-Benzisothiazol-3(2H)-one, 1,1-dioxide	81-07-2		U202
Saccharin salts				
Safrole	1,3-Benzodioxole, 5-(2-propenyl)-	94-59-7		U202
Selenium	Same	94-59-7		U203
Selenium compounds, N.O.S.		7782-49-2		
Selenium dioxide				
Selenium sulfide				
Selenium, tetrakis (dimethyl-dithiocarbamate	Selenious acid	7783-00-8		U204
	Selenium sulfide	7488-56-4		U205
	SeS[2]			
	Carbamodithioic acid, dimethyl-, tetraanydro-sulfide with orthothio-selenius acid	144-34-3		
	Same			
	Same	630-10-4		P103
	Same	7440-22-4		
	Silver cyanide AgCN			
	Propanoic acid, 2-(2,4,5-trichlorophenoxy)-	506-64-9		P104
	Sodium cyanide NaCN	93-72-1		See F027
	Carbamodithioic acid, dibutyl-, sodium salt	143-33-9		P106
	Carbamodithioic acid, diethyl-, sodium salt	136-30-1		
	Carbamodithioic acid, dimethyl-, sodium salt	148-18-5		
	Carbamodithioic acid, dimethyl-, sodium salt	128-04-1		
	Pentachlorophenol, sodium salt	131522		None
	D-Glucose, 2-deoxy-2-[[[methylnitrosoamino)	18883-66-4		U206

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
Strychnine	carbonyl]amino]-	57-24-9	P108	Thallium (I) carbonate	6533-73-9	U215
Strychnine salts	Strychnidin-10-one		P108	dithallium (I+) salt		
Sulfallate		95-06-7		Thallium (I) chloride	7791-12-0	U216
	Carbamodithioic acid, diethyl-, 2-chloro-2-propenyl ester			TlCl		
TCDD	Dibenzo[b,e][1,4]dioxin, 2,3,7,8-tetrachloro-	1746-01-6		Nitric acid, thallium (I+) salt	10102-45-1	U217
				Selenious acid, dithallium (I+) salt	12039-52-0	P114
				Sulfuric acid, thallium (I+) salt	7446-18-6	P115
Tetrabutylthiuram disulfide	Thioperoxydicarbonic diamide, tetrabutyl	1634-02-2		dithallium (I+) salt	62-55-5	U218
Tetramethylthiuram monosulfide	Bis(dimethylthiocarbamoyl) sulfide	97-74-5		Ethanethioamide	59669-26-0	U410
1,2,4,5-Tetra chlorobenzene	Benzene, 1,2,4,5-tetrachloro-	95-94-3	U207	Thiodicarb		
Tetrachlorodibenzo-p-dioxins				Thioacetamide		
Tetrachlorodibenzo-furans				Thiodicarb		
Tetrachloroethane, N.O.S.	Ethane, tetrachloro-, N.O.S.	25322-20-7		Thiofanox		
1,1,1,2-Tetra chloroethane	Ethane, 1,1,1,2-tetrachloro-	630-20-6	U208	Thiophanate-methyl		
1,1,2,2-Tetra chloroethane	Ethane, 1,1,2,2-tetrachloro-	79-34-5	U209	Thiomethanol		
Tetrachloroethylene	Etene, tetrachloro-	127-18-4	U210	Thiophenol		U153
2,3,4,6-Tetrachlorophenol	Phenol, 2,3,4,6-tetrachloro-	58-90-2	See F027	Thiosemicarbazide		P014
2,3,4,6-Tetrachlorophenol, potassium salt	Same	53535276	None	Thiourea		P116
2,3,4,6-Tetrachlorophenol, sodium salt	Same	25567559	None	Thiram		P219
Tetraethyldithiopyrophosphate	Thiodiphosphoric acid, tetraethyl ester	3689-24-5	P109	Tirpate		U244
Tetraethyl lead	Plumbane, tetraethyl	78-00-2	P110			
Tetraethylpyrophosphate	Diphosphoric acid, tetraethyl ester	107-49-3	P111	Toluene		U220
Tetranitromethane	Methane, tetranitro-	509-14-8	P112	Toluenediamine		U221
Thallium	Same	7440-28-0		Toluene-2,4-diamine		
Thallium compounds				Toluene-2,6-diamine		
Thallic oxide	Thallium oxide Tl <sub>2</sub> O[3]	1314-32-5	P113	Toluene-3,4-diamine		
Thallium (I) acetate	Acetic acid, thallium (I+) salt	563-68-8	U214	Toluene diisocyanate		

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## NOTICE OF PROPOSED AMENDMENTS

Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
Thallium (I) carbonate	Carbonic acid, dithallium (I+) salt	6533-73-9	U215
Thallium (I) chloride	Thallium chloride	7791-12-0	U216
Thallium (I) nitrate	Nitric acid, thallium (I+) salt	10102-45-1	U217
Thallium selenite	Selenious acid, dithallium (I+) salt	12039-52-0	P114
Thallium (I) sulfate	Sulfuric acid, thallium (I+) salt	7446-18-6	P115
Thioacetamide	Ethanethioamide	62-55-5	U218
Thiodicarb	Ethanethioamide N,N'-[thiobis[(methyl-imino)carbonyloxy]]-bis-, dimethyl ester	59669-26-0	U410
	2-Butanone, 3,3-dimethyl-1-(methylthio)-, O-[(methylamino)carbonyl]oxime	39196-18-4	P045
	Carbamic acid, [1,2-phenylenebis(imino-carbonothioyl)]-bis-, dimethyl ester		
	Methanethiol	74-93-1	U153
	Benzenethiol	108-98-5	P014
	Hydrazinecarbothioamide	79-19-6	P116
	Same	62-56-6	P219
	Thioperoxydicarbonic diamide [(H <sub>2</sub> N)(S)] <sub>2</sub>	137-26-8	U244
	1,3-Dithiolane-2-carboxaldehyde, 2,4-dimethyl-, O-[(methylamino)carbonyl]oxime	26419-73-8	P185
	Benzene, methyl-Benzenediamine, ar-methyl-1,3-Benzenediamine, 4-methyl-	108-88-3	U220
	1,3-Benzenediamine, 2-methyl-	25376-45-8	U221
	1,3-Benzenediamine, 2-methyl-	95-80-7	
	1,2-Benzenediamine, 4-methyl-	823-40-5	
	1,2-Benzenediamine, 4-methyl-	496-72-0	
	Benzene, 1,3-diisocyanatomethyl-	26471-62-5	U223

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
o-Toluidine	Benzenamine, 2-methyl-	95-53-4	U328
o-Toluidine hydrochloride	Benzenamine, 2-methyl-, hydrochloride	636-21-5	U222
p-Toluidine	Benzenamine, 4-methyl-	106-49-0	U353
Toxaphene	Same	8001-35-2	P123
Triallate	Carbamothioic acid, bis-(1-methylethyl)-, S-(2,3,3-trichloro-2-propenyl) ester	2303-17-5	U389
1,2,4-Trichlorobenzene	Benzene, 1,2,4-trichloro-	120-82-1	
1,1,2-Trichloroethane	Ethane, 1,1,2-trichloro-	79-00-5	U227
Trichloroethylene	Ethene, trichloro-	79-01-6	U228
Trichloromethanethiol	Methanethiol, trichloro-	75-70-7	P118
Trichloromonofluoromethane	Methane, trichlorofluoro-	75-69-4	U121
2,4,5-Trichlorophenol	Phenol, 2,4,5-trichloro-	95-95-4	See F027
2,4,6-Trichlorophenol	Phenol, 2,4,6-trichloro-	88-06-2	See F027
2,4,5-T	Acetic acid, (2,4,5-trichlorophenoxy)-	93-76-5	See F027
Trichloropropane, N.O.S.	Propane, 1,2,3-trichloro	25735-29-9	
1,2,3-Trichloropropane	Ethanamine, N,N-diethyl-phosphorothioic acid, O,O,O-triethyl ester	96-18-4	
Triethylamine	Benzene, 1,3,5-trinitro-	121-44-8	U404
O,O,O-Triethylphosphorothioate	Aziridine, 1,1',1''-phosphinothioylidynetris-	126-68-1	
1,3,5-Trinitrobenzene	1-Propanol, 2,3-dibromo-, phosphate (3:1)	99-35-4	U234
Tris(1-aziridinyl) phosphine sulfide	2,7-Naphthalenedisulfonic acid, 3,3'-[(3,3'-dimethyl [1,1'-biphenyl]-4,4'-diyl)bis(azo)]bis[5-amino-4-hydroxy]-, tetrasodium salt	52-24-4	
Tris(2,3-dibromopropyl) phosphate	2,4-(1H,3H)-pyrimidinedione, 5-bis(2-chloroethylamino)-	126-72-7	U235
Trypan blue		72-57-1	U236
Uracil mustard		66-75-1	U237

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Common Name	Chemical Abstracts Name	Chemical Abstracts Number	Hazardous Waste Number
Vanadium pentoxide	Vanadium oxide V[2]O[5]	1314-62-1	P120
Vernolate	Carbamothioic acid, dipropyl-, S-propyl ester	1929-77-7	
Vinyl chloride	Ethene, chloro	75-01-4	U043
Warfarin	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, when present at concentrations less than 0.3%	81-81-2	U248
Warfarin	2H-1-Benzopyran-2-one, 4-hydroxy-3-(3-oxo-1-phenylbutyl)-, when present at concentrations greater than 0.3%	81-81-2	P001
Warfarin salts, when present at concentrations less than 0.3%			U248
Warfarin salts, when present at concentrations greater than 0.3%			P001
Zinc cyanide	Zinc cyanide Zn(CN)[2]	557-21-1	P121
Zinc phosphide	Zinc phosphide P[2]Zn[3], when present at concentrations greater than 10%	1314-84-7	P122
Zinc phosphide	Zinc phosphide P[2]Zn[3], when present at concentrations of 10% or less	1314-84-7	U249
Ziram	Zinc, bis(dimethylcarbamodithioato-S,S')-(T-4)-	137-30-4	P205

Note: The abbreviation N.O.S. (not otherwise specified) signifies those members of the general class not specifically listed by name in this Section.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

## Section 721.APPENDIX 2 Table to Section 721.102

Table

	*1	*2	*3	*4
Spent materials	Yes	Yes	Yes	Yes
Sludges (listed in Section 721.131 or 721.132)	Yes	Yes	Yes	Yes
Sludges exhibiting a characteristic of hazardous waste	Yes	Yes	No	Yes
By-products (listed in Section 721.131 or 721.132)	Yes	Yes	Yes	Yes
By-products exhibiting a characteristic of hazardous waste	Yes	Yes	No	Yes
Commercial chemical products listed in Section 721.133	Yes	Yes	No	No
Scrap metal other than excluded scrap metal (see Section 721.101(c)(9))	Yes	Yes	Yes	Yes
Yes - Defined as a solid waste				
No - Not defined as a solid waste				
*1 - Use constituting disposal (Section 721.102(c)(1))				
*2 - Burning for energy recovery or use to produce a fuel (Section 721.102(c)(2))				
*3 - Reclamation (Section 721.102(c)(3))				
*4 - Speculative accumulation (Section 721.102(c)(4))				

BOARD NOTE: Derived from Table 1 to 40 CFR 261.2(c)(4) (19974). The terms "spent materials", "sludges", "by products", "scrap metal" and "processed scrap metal" are defined in Section 721.101.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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1) Heading of the Part: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities2) Code citation: 35 Ill. Adm. Code 7253) Section numbers:

725.101	<u>Proposed action:</u>
725.112	Amendment
725.113	Amendment
725.170	Amendment
725.171	Amendment
725.298	Amendment
725.301	Amendment
725.414	Amendment
725.933	Amendment
725.934	Amendment
725.963	Amendment
725.964	Amendment
725.981	Amendment
725.985	Amendment
725.986	Amendment
725.988	Amendment
725.989	Amendment
725.990	Amendment
725.1200	New Section
725.1201	New Section
725.1202	New Section
725.Appendix F	Amendment

4) Statutory authority: 415 ILCS 5/22.4 and 27

5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's proposed opinion of May 21, 1998, in R97-21/R98-3/R98-5 (consolidated), which opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Sections 5-35 and 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Sections 5-35 and 5-40 of the IAPA, it is not subject to first notice or to second notice review by JCARR.

The R97-21/R98-3/R98-5 proceeding updates Parts 703, 720, 721, 722, 723, 724, 725, 726, 728, and 738 of the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the periods July 1, 1996 through December 31, 1996 (docket R97-21) and January 1, 1997 through June 30, 1997 (docket R98-5). It further updates the Illinois underground injection control (UIC) rules to correspond with amendments adopted by USEPA that appeared

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in the Federal Register during the period January 1, 1997 through June 30, 1997 (docket R98-3). During this period, USEPA amended its regulations as follows:

Docket R97-21: July 1, 1996 through December 31, 1996 RCRA Subtitle C Amendments

61 Fed. Reg. 34251  
(July 1, 1996)

USEPA adopted revisions establishing that only those non-municipal non-hazardous waste disposal units that meet specific standards may receive conditionally exempt small quantity generator (CESQG) hazardous wastes.

61 Fed. Reg. 36419  
(July 10, 1996)

USEPA corrected typographic errors in certain of the April 8, 1996 Phase III land disposal restriction (LDR) amendments.

61 Fed. Reg. 40520  
(August 5, 1996)

USEPA authorized additional segments of the Illinois RCRA Subtitle C hazardous waste program.

61 Fed. Reg. 43927  
(August 26, 1996)

USEPA adopted emergency amendments to the April 8, 1996 Phase III land disposal restrictions (LDR) treatment standards for carbamate wastes due to analytical problems with those wastes.

61 Fed. Reg. 56631  
(November 4, 1996)

USEPA published a correction to the text of its rules in the Code of Federal Regulations (40 CFR 266.100(c)(3)(i)) due to the fact that segments were missing from the text.

61 Fed. Reg. 59931  
(November 25, 1996)

USEPA adopted "final" organic air emission standards for tanks, surface impoundments, and containers (the "Subpart CC" rules).

Docket R98-3: January 1, 1997 through June 30, 1997

UIC Amendments

62 Fed. Reg. 1834  
(January 14, 1997)

USEPA amended the addresses for its Region V headquarters.

62 Fed. Reg. 25998  
(May 12, 1997)

USEPA adopted the Phase IV land disposal restriction amendments for hazardous waste generated from wood processing operations.

Docket R98-5: January 1, 1997 through June 30, 1997 RCRA Subtitle C Amendments

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62 Fed. Reg. 1678  
(January 13, 1997)

USEPA changed the name and ownership of Envirote Corp. in a hazardous waste delisting.

62 Fed. Reg. 1834  
(January 14, 1997)

USEPA amended the addresses for its Region V headquarters.

62 Fed. Reg. 1991  
(January 14, 1997)

USEPA extended the national capacity variance for spent potliners from primary aluminum production (K088 waste) for 6 months.

162 Fed. Reg. 6621  
(February 12, 1997)

USEPA amended various parts of the rules to identify when conventional and chemical military munitions become hazardous waste under RCRA.

62 Fed. Reg. 7502  
(February 19, 1997)

USEPA adopted technical amendments to the tables in the Phase III land disposal restriction rule.

62 Fed. Reg. 25998  
(May 12, 1997)

USEPA adopted the Phase IV land disposal restriction amendments for hazardous waste generated from wood processing operations.

62 Fed. Reg. 32452  
(June 13, 1997)

USEPA adopted amendments to the hazardous waste testing and monitoring regulations.

62 Fed. Reg. 32974  
(June 17, 1997)

USEPA adopted amendments to hazardous waste regulations regarding delisting of carbamate waste as hazardous under RCRA.

The Board will not need to take action based on the federal actions of July 10, 1996, August 26, 1996, November 25, 1996, January 13, 1997, January 14, 1997 (K088 waste only), February 19, 1997, and June 17, 1997, since we took action in prior actions. No action will be required of the Board on the August 5, 1996 federal authorization of additional elements of the Illinois RCRA Subtitle C hazardous waste program and the Code of Federal Regulations correction of November 4, 1996.

The Board will need to act with regard to the rest of the federal actions-i.e., those of July 1, 1996, January 14, 1997 (change of address only), February 12, 1997, May 12, 1997, and June 13, 1997.

Summary List of Federal Actions Forming the Basis of the Board's Actions in this Docket

61 Fed. Reg. 34251  
(July 1, 1996)

Revisions establishing that only those non-municipal non-hazardous waste disposal units that meet specific standards may receive

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CESQG hazardous wastes. (RCRA only)

62 Fed. Reg. 1834 (January 14, 1997)  
Amendments to USEPA addresses. (RCRA only)

62 Fed. Reg. 6621 (February 12, 1997)  
Amendments to segments of the rules that identify when conventional and chemical military munitions become hazardous waste under RCRA. (RCRA only)

62 Fed. Reg. 25998 (May 12, 1997)  
Phase IV land disposal restriction amendments for hazardous waste generated from wood processing operations. (RCRA and UIC)

62 Fed. Reg. 32452 (June 13, 1997)  
Amendments to the hazardous waste testing and monitoring regulations. (RCRA only)

Specifically, the segment of the amendments of the broader R97-21/R98-3/R98-5 rulemaking that is involved in Part 725 implements segments of the February 12, 1997 military munitions rule and the June 13, 1997 testing and monitoring amendments. The Board has also used the opportunity of amendments to Part 725 to make a number of corrective amendments to the existing text of some provisions. Some of the corrections were requested by JCAR.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? Yes. The existing text of Part 725 includes references to documents incorporated by reference in 35 Ill. Adm. Code 720.111. A number of those references are under amendment in this segment of the R97-21/R98-3/R98-5 proceeding. Other references remain unaffected.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical in substance to mandates imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R97-21/R98-3/R98-5 and be addressed to:

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Ms. Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order from Victoria Agyeman, at 312-814-3620.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. The amendments involved in the R97-21/R98-3/R98-5 proceeding could affect the scope of affected entities to the extent a small business, small municipality, or not-for-profit corporation is involved in an activity involved in the amendments.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The amendments involved in the R97-21/R98-3/R98-5 proceeding could affect the burden of complying with the existing reporting, bookkeeping, or other procedures to the extent that an entity is involved in an activity involved in the amendments.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. The amendments involved in the R97-21/R98-3/R98-5 proceeding could affect the types of professional skills required for complying with the existing reporting, bookkeeping, or other procedures to the extent that an entity is involved in an activity involved in the amendments.

13) Regulatory Agenda on which this rulemaking was summarized: June 1997 and January 1998

The full text of the Proposed Amendments begins on the next page:



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## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE G: WASTE DISPOSAL

## CHAPTER I: POLLUTION CONTROL BOARD

## SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

## PART 725

INTERIM STATUS STANDARDS FOR OWNERS AND  
OPERATORS OF HAZARDOUS WASTE TREATMENT,  
STORAGE, AND DISPOSAL FACILITIES

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725.104	Imminent Hazard Action

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725.154	Amendment of Contingency Plan
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725.245 Financial Assurance for Post-closure Monitoring and Maintenance  
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 725.271 Condition of Containers  
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725.329 Special Requirements for Ignitable or Reactive Waste  
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## SUBPART M: LAND TREATMENT

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 725.370 Applicability  
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## SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

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725.930	Applicability
725.931	Definitions
725.932	Standards: Process Vents
725.933	Standards: Closed-Vent <del>vent</del> Systems and Control Devices
725.934	Test methods and procedures
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APPENDIX A Recordkeeping Instructions  
APPENDIX B EPA Report Form and Instructions (Repealed)  
APPENDIX C EPA Interim Primary Drinking Water Standards  
APPENDIX D Tests for Significance  
APPENDIX E Examples of Potentially Incompatible Waste  
APPENDIX F Compounds With Henry's Law Constant Less Than 0.1 Y/X (at 25°C)

AUTHORITY: Implementing Sections 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R82-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18, 51 PCB 831, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 14034, effective October 12, 1983; amended in R84-9, at 9 Ill. Reg. 11869, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1085, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14069, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6044, effective March 24, 1987; amended in R87-5 at 11 Ill. Reg. 19338, effective November 10, 1987; amended in R87-26 at 12 Ill. Reg. 2485, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13027, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 437, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18354, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14447, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16498, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9398, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14534, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9578, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17672, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5681, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20620, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6771, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12190, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17548, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9566, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11078, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 369,

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effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7620, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; and SUM means the summation series or sigma function as used in mathematics.

## SUBPART A: GENERAL PROVISIONS

## Section 725.101 Purpose, Scope and Applicability

a) The purpose of this Part is to establish minimum standards that define the acceptable management of hazardous waste during the period of interim status and until certification of final closure or, if the facility is subject to post-closure requirements, until post-closure responsibilities are fulfilled.

b) Except as provided in Section 725.980(b), the standards in this Part and 35 Ill. Adm. Code 724.652 and 724.653 apply to owners and operators of facilities that treat, store, or dispose of hazardous waste that have fully complied with the requirements for interim status under Section 3005(e) of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6901 et seq.) and 35 Ill. Adm. Code 703, until either a permit is issued under Section 3005 of the Resource Conservation and Recovery Act or Section 21(f) of the Environmental Protection Act, or until applicable closure and post-closure responsibilities under this Part are fulfilled, and to those owners and operators of facilities in existence on November 19, 1980, that have failed to provide timely notification as required by Section 3010(a) of RCRA or that have failed to file Part A of the Permit Application, as required by 40 CFR 270.10(e) and (g) or 35 Ill. Adm. Code 703.150 and 703.152. These standards apply to all treatment, storage, or disposal of hazardous waste at these facilities after November 19, 1980, except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721.

BOARD NOTE: As stated in Section 3005(a) of RCRA, after the effective date of regulations under that Section (i.e., 40 CFR 270 and 124) the treatment, storage, or disposal of hazardous waste is prohibited except in accordance with a permit. Section 3005(e) of RCRA provides for the continued operation of an existing facility that meets certain conditions until final administrative disposition of the owner's and operator's permit application is made. 35 Ill. Adm. Code 703.140 et seq. provide that a permit is deemed issued under Section 21(f)(1) of the Environmental Protection Act under conditions similar to federal interim status.

c) The requirements of this Part do not apply to:

- 1) A person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research

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and Sanctuaries Act (16 U.S.C. 1431-1434; 33 U.S.C. 1401);  
**BOARD NOTE:** This Part applies to the treatment or storage of hazardous waste before it is loaded into an ocean vessel for incineration or disposal at sea, as provided in subsection (b).  
 This subsection corresponds with 40 CFR 265.1(c)(2), marked "reserved" by USEPA. This statement maintains structural consistency with USEPA rules.

- 2) This subsection corresponds with 40 CFR 265.1(c)(2), marked "reserved" by USEPA. This statement maintains structural consistency with USEPA rules.
- 3) The owner or operator of a POTW (publicly owned treatment works) that treats, stores or disposes of hazardous waste;  
**BOARD NOTE:** The owner or operator of a facility under subsections (c)(1) and through (c)(3) is subject to the requirements of 35 Ill. Adm. Code 724 to the extent they are included in a permit by rule granted to such a person under 35 Ill. Adm. Code 702 and 703 or are required by 35 Ill. Adm. Code 704.Subpart F.
- 4) This subsection corresponds with 40 CFR 265.1(c)(4), which pertains exclusively to the applicability of the federal regulations in authorized states. There is no need for a parallel provision in the Illinois regulations. This statement maintains structural consistency with USEPA rules.
- 5) The owner or operator of a facility permitted, licensed, or registered by Illinois to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under this Part by 35 Ill. Adm. Code 721.105;
- 6) The owner or operator of a facility managing recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2) through (a)(4), except to the extent that requirements of this Part are referred to in 35 Ill. Adm. Code 726.Subparts C, F, G, or H or 35 Ill. Adm. Code 739;
- 7) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.134, except to the extent the requirements are included in 35 Ill. Adm. Code 722.134;
- 8) A farmer disposing of waste pesticides from the farmer's own use in compliance with 35 Ill. Adm. Code 722.170;
- 9) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110;
- 10) The owner or operator of an elementary neutralization unit or a waste water treatment unit as defined in 35 Ill. Adm. Code 720.110, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in 35 Ill. Adm. Code 728.Table T or reactive (D003) waste in order to remove the characteristic before land disposal, the owner or operator must comply with the requirements set out in Section 725.117(b);
- 11) Immediate response:  
 A) Except as provided in subsection (c)(11)(B) below, a person engaged in treatment or containment activities during

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immediate response to any of the following situations:

- i) A discharge of a hazardous waste;
- ii) An imminent and substantial threat of a discharge of a hazardous waste;
- iii) A discharge of a material that becomes a hazardous waste when discharged; or-
- iv) An immediate threat to human health, public safety, property, or the environment from the known or suspected presence of military munitions, other explosives material, or an explosive device, as determined by an explosive or munitions emergency response specialist as defined in 35 Ill. Adm. Code 720.110.
- B) An owner or operator of a facility otherwise regulated by this Part must comply with all applicable requirements of 725.Subparts C and D.
- C) Any person that is covered by subsection (c)(11)(A) above that continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part and 35 Ill. Adm. Code 702, 703, and 705 for those activities;
- D) In the case of an explosives or munitions emergency response, if a federal, state, or local official acting within the scope of his or her official responsibilities or an explosives or munitions emergency response specialist determines that immediate removal of the material or waste is necessary to protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters who do not have USEPA identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit shall retain records for three years identifying the dates of response, the responsible persons responding, the type and description of material addressed, and its disposition.
- 12) A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less;
- 13) The addition of absorbent material to waste in a container (as defined in 35 Ill. Adm. Code 720.110) or the addition of waste to the absorbent material in a container, provided that these actions occur at the time that the waste is first placed in the containers and Sections 725.117(b), 725.271, and 725.272 are complied with;
- 14) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that handles any of the wastes listed below is subject to regulation under 35 Ill. Adm.



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- a) Receipt from a foreign source.
- 1) The owner or operator of a facility that has arranged to receive hazardous waste from a foreign source must notify the Regional Administrator in writing at least four weeks in advance of the date that the waste is expected to arrive at the facility. Notice of subsequent shipments of the same waste from the same foreign source is not required.
  - 2) The owner or operator of a recovery facility that has arranged to receive hazardous waste subject to 35 Ill. Adm. Code 722.Subpart H must provide a copy of the tracking document bearing all required signatures to the notifier, to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M St., SW, Washington, DC 20460; to the Bureau of Land, Division of Land Pollution Control, Illinois Environmental Protection Agency, P.O. Box 19276, Springfield, IL 62794-9276; and to the competent authorities of all other concerned countries within three working days of receipt of the shipment. The original of the signed tracking document must be maintained at the facility for at least three years.
  - b) Before transferring ownership or operation of a facility during its operating life, or of a disposal facility during the post-closure care period, the owner or operator must notify the new owner or operator in writing of the requirements of this Part and 35 Ill. Adm. Code 702 and 703 (also A190 see 40 35 Ill. Adm. Code 703.155).
- BOARD NOTE: An owner's or operator's failure to notify the new owner or operator of the requirements of this Part in no way relieves the new owner or operator of his obligation to comply with all applicable requirements.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 725.113 General Waste Analysis

- a) Waste analysis:
- 1) Before an owner or operator treats, stores, or disposes of any hazardous waste, or non-hazardous waste if applicable under Section 725.213(d), the owner or operator shall obtain a detailed chemical and physical analysis of a representative sample of the waste. At a minimum, the analysis must contain all the information that must be known to treat, store, or dispose of the waste in accordance with this Part and 35 Ill. Adm. Code 728.
  - 2) The analysis may include data developed under 35 Ill. Adm. Code 721 and existing published or documented data on the hazardous waste or on waste generated from similar processes.
- BOARD NOTE: For example, the facility's record of analyses performed on the waste before the effective date of these

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- Code 733 when handling the following universal wastes:
- A) Batteries, as described in 35 Ill. Adm. Code 733.102;
  - B) Pesticides, as described in 35 Ill. Adm. Code 733.103;
  - C) Thermostats, as described in 35 Ill. Adm. Code 733.104; and
  - D) Mercury-containing lamps, as described in 35 Ill. Adm. Code 733.107.
- BOARD NOTE: Subsection (c)(14)(D) of this Section was added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).
- d) The following hazardous wastes must not be managed at facilities subject to regulation under this Part: hazardous waste numbers F020, F021, F022, F023, F026, or F027 unless:
- 1) The waste water treatment sludge is generated in a surface impoundment as part of the plant's waste water treatment system;
  - 2) The waste is stored in tanks or containers;
  - 3) The waste is stored or treated in waste piles that meet the requirements of 35 Ill. Adm. Code 724.350(c) and all other applicable requirements of 725.Subpart L;
  - 4) The waste is burned in incinerators that are certified pursuant to the standards and procedures in Section 725.452; or
  - 5) The waste is burned in facilities that thermally treat the waste in a device other than an incinerator and that are certified pursuant to the standards and procedures in Section 725.483.
- e) This Part applies to owners and operators of facilities that treat, store, or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 728, and the 35 Ill. Adm. Code 728 standards are considered material conditions or requirements of the interim status standards of this Part.
- f) 35 Ill. Adm. Code 726.505 identifies when the requirements of this Part apply to the storage of military munitions classified as solid waste under 35 Ill. Adm. Code 726.302. The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in 35 Ill. Adm. Code 702, 703, 705, 720 through 726, and 728.
- g) Other bodies of regulations may apply a person, facility, or activity, such as 35 Ill. Adm. Code 809 (special waste hauling), 35 Ill. Adm. Code 807 or 810 through 817 (solid waste landfills), 35 Ill. Adm. Code 848 or 849 (used and scrap tires), or 35 Ill. Adm. Code 1420 through 1422 (potentially infectious medical waste), depending on the provisions of those other regulations.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART B: GENERAL FACILITY STANDARDS

Section 725.112 Required Notices



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regulations or studies conducted on hazardous waste generated from processes similar to that which generated the waste to be managed at the facility may be included in the data base required to comply with subsection (a)(1) of this Section except as otherwise specified in 35 Ill. Adm. Code 728.107(b) and (c). The owner or operator of an off-site facility may arrange for the generator of the hazardous waste to supply part or all of the information required by subsection (a)(1) of this Section. If the generator does not supply the information and the owner or operator chooses to accept a hazardous waste, the owner or operator is responsible for obtaining the information required to comply with this Section.

- 3) The analysis must be repeated as necessary to ensure that it is accurate and up to date. At a minimum, the analysis must be repeated:
  - A) When the owner or operator is notified or has reason to believe that the process or operation generating the hazardous waste, or non-hazardous waste if applicable under Section 725.213(d), has changed; and

- B) For off-site facilities, when the results of the inspection required in subsection (a)(4) of this Section indicate that the hazardous waste received at the facility does not match the waste designated on the accompanying manifest or shipping paper.

- 4) The owner or operator of an off-site facility shall inspect and, if necessary, analyze each hazardous waste movement received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest or shipping paper.

- b) The owner or operator shall develop and follow a written waste analysis plan that describes the procedures that the owner or operator will carry out to comply with subsection (a) of this Section. The owner or operator shall keep this plan at the facility. At a minimum, the plan must specify:
  - 1) The parameters for which each hazardous waste, or non-hazardous waste if applicable under Section 725.213(d), will be analyzed and the rationale for the selection of these parameters (i.e., how analysis for these parameters will provide sufficient information on the waste's properties to comply with subsection (a) of this Section.

- 2) The test methods that will be used to test for these parameters.
- 3) The sampling method that will be used to obtain a representative sample of the waste to be analyzed. A representative sample may be obtained using either:
  - A) One of the sampling methods described in 35 Ill. Adm. Code 721.Appendix A, or
  - B) An equivalent sampling method.

BOARD NOTE: See 35 Ill. Adm. Code 720.120(c) for related discussion.

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- 4) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up-to-date.
- 5) For off-site facilities, the waste analysis that hazardous waste generators have agreed to supply.
- 6) Where applicable, the methods that will be used to meet the additional waste analysis requirements for specific waste management methods, as specified in Sections 725.300, 725.325, 725.352, 725.373, 725.441, 725.444, 725.475, 725.502, 725.934(d), 725.963(d), and 725.984, and 35 Ill. Adm. Code 728.107.
- 7) For surface impoundments exempted from land disposal restrictions under 35 Ill. Adm. Code 728.104(a), the procedures and schedules for:
  - A) The sampling of impoundment contents;
  - B) The analysis of test data; and
  - C) The annual removal of residues that are not delisted under 35 Ill. Adm. Code 720.122 or that exhibit a characteristic of hazardous waste and either:
    - i) Do not meet the applicable standards of 35 Ill. Adm. Code 728.Subpart D, or
    - ii) Where no treatment standards have been established: Such residues are prohibited from land disposal under 35 Ill. Adm. Code 728.132 or 728.139.

- 8) For owners and operators seeking an exemption to the air emission standards of 724.Subpart CC in accordance with Section 725.983:
  - A) If direct measurement is used for the waste determination, the procedures and schedules for waste sampling and analysis, and the analysis of test data to verify the exemption.

- B) If knowledge of the waste is used for the waste determination, any information prepared by the facility owner or operator, or by the generator of the waste if the waste is received from off-site, that is used as the basis for knowledge of the waste.
  - c) For off-site facilities, the waste analysis plan required in subsection (b) of this Section must also specify the procedures that will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. At a minimum, the plan must describe:
    - 1) The procedures that will be used to determine the identity of each movement of waste managed at the facility; and
    - 2) The sampling method that will be used to obtain a representative sample of the waste to be identified if the identification method includes sampling; and-
    - 3) The procedures that the owner or operator of an off-site landfill receiving containerized hazardous waste will use to determine whether a hazardous waste generator or treater has added a

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biodegradable sorbent to the waste in the container.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

## Section 725.170 Applicability

The regulations in this subpart apply to owners and operators of both on-site and off-site facilities, except as Section 725.101 provides otherwise. Sections 725.171, 725.172 and 725.176 do not apply to owners and operators of on-site facilities that do not receive any hazardous waste from off-site sources, nor do they apply to owners and operators of off-site facilities with respect to waste military munitions exempted from manifest requirements under 35 Ill. Adm. Code 726.303(a).

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 725.171 Use of Manifest System

a) If a facility receives hazardous waste accompanied by a manifest, the owner or operator or his agent must:

- 1) Sign and date each copy of the manifest to certify that the hazardous waste covered by the manifest was received;
- 2) Note any significant discrepancies in the manifest, as defined in Section 725.172(a), on each copy of the manifest;

BOARD NOTE: An owner or operator of a facility whose procedures under Section 725.113(c) include waste analysis need not perform that analysis before signing the manifest and giving it to the transporter. Section 725.172(b), however, requires the owner or operator to report any unreconciled discrepancy discovered during later analysis.

- 3) Immediately give the transporter at least one copy of the signed manifest;

- 4) Send a copy of the manifest to each of the generator and the Agency within 30 days of the date of delivery; and

- 5) Retain at the facility a copy of each manifest for at least three years from the date of delivery.

b) If a facility receives from a rail or water (bulk shipment) transporter hazardous waste that is accompanied by a shipping paper containing all the information required on the manifest (excluding the USEPA identification numbers, generator's certification and signatures), the owner or operator or its agent must:

- 1) Sign and date each copy of the manifest or shipping paper (if the manifest has not been received) to certify that the hazardous waste covered by the manifest or shipping paper was received;

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- 2) Note any significant discrepancies, as defined in Section 725.172(a), in the manifest or shipping paper (if the manifest has not been received) on each copy of the manifest or shipping paper;

BOARD NOTE: The owner or operator of a facility whose procedures under Section 725.113(c) include waste analysis need not perform that analysis before signing the shipping paper and giving it to the transporter. Section 725.172(b), however, requires reporting an unreconciled discrepancy discovered during later analysis.

- 3) Immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper (if the manifest has not been received);

- 4) Send a copy of the signed and dated manifest to the generator and to the Agency within 30 days after the delivery; however, if the manifest has not been received within 30 days after delivery, the owner or operator, or his agent, must send a copy of the shipping paper signed and dated to the generator; and

BOARD NOTE: 35 Ill. Adm. Code 722.123(c) requires the generator to send three copies of the manifest to the facility when hazardous waste is sent by rail or water (bulk shipment).

- 5) Retain at the facility a copy of the manifest and shipping paper (if signed in lieu of the manifest at the time of delivery) for at least three years from the date of delivery.

c) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility must comply with the requirements of 35 Ill. Adm. Code 722.

BOARD NOTE: The provisions of 35 Ill. Adm. Code 722.134 are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of 35 Ill. Adm. Code 722.134 apply only to owners or operators that are shipping hazardous waste that they generated at that facility.

- d) Within three working days of the receipt of a shipment subject to 35 Ill. Adm. Code 722.Subpart H, the owner or operator of the facility must provide a copy of the tracking document bearing all required signatures to the notifier; to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M St., SW, Washington, DC 20460; to the Bureau of Land, Division of Land Pollution Control, Illinois Environmental Protection Agency, P.O. Box 19276, Springfield, IL 62794-9276; and to competent authorities of all other concerned countries. The original copy of the tracking document must be maintained at the facility for at least three years from the date of signature.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 725.298 Special Requirements for Ignitable or Reactive Waste**

a) Ignitable or reactive waste must not be placed in a tank system, unless:

- 1) The waste is treated, rendered or mixed before or immediately after placement in the tank system so that

A) The resulting waste, mixture or dissolved material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123 and

B) Section 725.117(b) is complied with; or

- 2) The waste is stored or treated in such a way that it is protected from any material or conditions which may cause the waste to ignite or react; or

3) The tank system is used solely for emergencies.

b) The owner or operator of a facility where ignitable or reactive waste is stored or tested in tanks shall comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys or an adjoining property line that can be built upon as required in Tables 2-1 through 2-6 of the National Fire Protection Association's "Flammable and Combustible Liquids Code," NFPA 30, incorporated by reference, in 35 Ill. Adm. Code Section 720.111).

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 725.301 Generators of 100 to 1000 Kilograms of Hazardous Waste Per Month kg/mo**

a) The requirements of this Section apply to small quantity generators that generate more than 100 kg but less than 1000 kg of hazardous waste in a calendar month, that accumulate hazardous waste in tanks for less than 180 days (or 270 days if the generator must ship the waste greater than 200 miles), and that do not accumulate over 6,000 kg on-site at any time.

b) A generator of between 100 and 1000 kg/mo hazardous waste shall comply with the following general operating requirements:

- 1) Treatment or storage of hazardous waste in tanks must comply with Section 725.117(b);

2) Hazardous wastes or treatment reagents must not be placed in a tank if they could cause the tank or its inner liner to rupture, leak, corrode, or otherwise fail before the end of its intended life;

3) Uncovered tanks must be operated to ensure at least 60 centimeters (2 feet) of freeboard unless the tank is equipped with a containment structure (e.g. dike or trench), a drainage control system, or a diversion structure (e.g., standby tank) with a capacity that equals or exceeds the volume of the top 60

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centimeters (2 feet) of the tank; and

- 4) Where hazardous waste is continuously fed into a tank, the tank must be equipped with a means to stop this inflow (e.g., waste feed cutoff system or by-pass system to a stand-by tank).

BOARD NOTE: These systems are intended to be used in the event of a leak or overflow from the tank due to a system failure (e.g., a malfunction in the treatment process, a crack in the tank, etc.).

c) A generator of between 100 and 1000 kg/mo accumulating hazardous waste in tanks shall inspect, where present:

- 1) Discharge control equipment (e.g., waste feed cutoff systems, by-pass systems, and drainage systems) at least once each operating day, to ensure that it is in good working order;
- 2) Data gathered from monitoring equipment (e.g., pressure and temperature gauges) at least once each operating day to ensure that the tank is being operated according to its design;
- 3) The level of waste in the tank at least once each operating day to ensure compliance with subsection (b)(3) above;
- 4) The construction materials of the tank at least weekly to detect corrosion or leaking of fixtures or seams; and
- 5) The construction materials of and the area immediately surrounding discharge confinement structures (e.g., dikes) at least weekly to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation).

BOARD NOTE: As required by Section 725.115(c), the owner or operator must remedy any deterioration or malfunction the owner or operator finds.

d) A generator of between 100 and 1000 kg/mo accumulating hazardous waste in tanks shall, upon closure of the facility, remove all hazardous waste from tanks, discharge control equipment and discharge confinement structures.

BOARD NOTE: At closure, as throughout the operating period, unless the owner or operator demonstrates, in accordance with 35 Ill. Adm. Code 721.103(d) or (e), that any solid waste removed from the tank is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of 35 Ill. Adm. Code 722, 723, and 725.

e) A generator of between 100 and 1000 kg/mo shall comply with the following special requirements for ignitable or reactive waste:

- 1) Ignitable or reactive waste must not be placed in a tank unless:
  - A) The waste is treated, rendered, or mixed before or immediately after placement in a tank so that:
    - i) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123, and
  - ii) Section 725.117(b) is complied with;
- B) The waste is stored or treated in such a way that it is



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protected from any material or conditions that may cause the waste to ignite or react; or

- C) The tank is used solely for emergencies.
- 2) The owner or operator of a facility that treats or stores ignitable or reactive waste in covered tanks shall comply with the buffer zone requirements for tanks contained in Tables 2-1 through 2-6 of the National Fire Protection Association's "Flammable and Combustible Liquids Code," NFPA 30, incorporated by reference in 35 Ill. Adm. Code 720.111.

- f) A generator of between 100 and 1000 kg/mo shall comply with the following special requirements for incompatible wastes:

- 1) Incompatible wastes or incompatible wastes and materials (see Appendix E for examples) must not be placed in the same tank unless Section 725.117(b) is complied with.
- 2) Hazardous waste must not be placed in an unwashed tank that previously held an incompatible waste or material unless Section 725.117(b) is complied with.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART N: LANDFILLS

## Section 725.414 Special Requirements for Liquid Wastes

- a) This subsection corresponds with 40 CFR 265.314(a), which pertains to the placement of bulk or non-containerized liquid waste or waste containing free liquids in a landfill prior to May 8, 1985. This statement maintains structural consistency with USEPA rules.
- b) The placement of bulk or non-containerized liquid hazardous waste or hazardous waste containing free liquids (whether or not sorbents have been added) in any landfill is prohibited.
- c) Containers holding free liquids must not be placed in a landfill unless:
  - 1) All free-standing liquid:
    - A) has been removed by decanting, or other methods; or
    - B) has been mixed with sorbent or solidified so that free-standing liquid is no longer observed; or
    - C) has been otherwise eliminated; or
  - 2) The container is very small, such as an ampule; or
  - 3) The container is designed to hold free liquids for use other than storage, such as a battery or capacitor; or
  - 4) The container is a lab pack as defined in Section 725.416 and is disposed of in accordance with Section 725.416.

- d) To demonstrate the absence or presence of free liquids in either a containerized or a bulk waste, the following test must be used: Method 9095 (Paint Filter Liquids Test), as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods",

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USEPA Publication No. SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111.

- e) The placement of any liquid liquids that is not a hazardous waste in a landfill is prohibited (35 Ill. Adm. Code 729.311).
- f) Sorbents used to treat free liquids to be disposed of in landfills must be nonbiodegradable. Nonbiodegradable sorbents are: materials listed or described in subsection (f)(1) of this Section; materials that pass one of the tests in subsection (f)(2) of this Section; or materials that are determined by the Board to be nonbiodegradable through the 35 Ill. Adm. Code 106 adjusted standard process.

- 1) Nonbiodegradable sorbents are:

- A) Inorganic materials, other inorganic materials, and elemental carbon (e.g., aluminosilicates, clays, smectites, Fuller's earth, bentonite, calcium bentonite, montmorillonite, calcined montmorillonite, kaolinite, micas (illite), vermiculites, zeolites; calcium carbonate (organic free limestone); oxides/hydroxides, alumina, lime, silica (sand), diatomaceous earth; perlite (volcanic glass); expanded volcanic rock; volcanic ash; cement kiln dust; fly ash; rice hull ash; activated charcoal/activated carbon); or
- B) High molecular weight synthetic polymers (e.g., polyethylene, high density polyethylene (HDPE), polypropylene, polystyrene, polyurethane, polyacrylate, polynorborene, polyisobutylene, ground synthetic rubber, cross-linked allylstyrene and tertiary butyl copolymers). This does not include polymers derived from biological material or polymers specifically designed to be degradable; or

- C) Mixtures of these nonbiodegradable materials.

- 2) Tests for nonbiodegradable sorbents.

- A) The sorbent material is determined to be nonbiodegradable under ASTM Method G21-70 (1984a)--"Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi", incorporated by reference in 35 Ill. Adm. Code 720.111;

- B) The sorbent material is determined to be nonbiodegradable under ASTM Method G22-76 (1984b)--"Standard Practice for Determining Resistance of Plastics to Bacteria", incorporated by reference in 35 Ill. Adm. Code 720.111; or

- C) The sorbent material is determined to be nonbiodegradable under OECD test 301B (CO[2] Evolution (Modified Sturm Test)), incorporated by reference in 35 Ill. Adm. Code 720.111.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 725.933 Standards: Closed-Vent vent Systems and Control Devices****a) Compliance Required.**

- 1) Owners or operators of closed-vent systems and control devices used to comply with provisions of this Part shall comply with the provisions of this Section.
- 2) The owner or operator of an existing facility that cannot install a closed-vent system and control device to comply with the provisions of this Subpart on the effective date that the facility becomes subject to the provisions of this Subpart shall prepare an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The controls must be installed as soon as possible, but the implementation schedule may allow up to 30 months after the effective date that the facility becomes subject to this Subpart for installation and startup. All units that begin operation after December 21, 1990, must comply with the rules immediately (i.e., must have control devices installed and operating on startup of the affected unit); the 2-year implementation schedule does not apply to these units.

**b) A control device involving vapor recovery (e.g., a condenser or adsorber) must be designed and operated to recover the organic vapors vented to it with an efficiency of 95 weight percent or greater unless the total organic emission limits of Section 725.932(a)(1) for all affected process vents is attained at an efficiency less than 95 weight percent.**

**c) An enclosed combustion device (e.g., a vapor incinerator, boiler, or process heater) must be designed and operated to reduce the organic emissions vented to it by 95 weight percent or greater; to achieve a total organic compound concentration of 20 ppmv, expressed as the sum of the actual compounds, not carbon equivalents, on a dry basis corrected to three percent oxygen; or to provide a minimum residence time of 0.50 seconds at a minimum temperature of 760° C. If a boiler or process heater is used as the control device, then the vent stream must be introduced into the flame combustion zone of the boiler or process heater.**

**d) Flares.**

- 1) A flare must be designed for and operated with no visible emissions as determined by the methods specified in subsection (e)(1) of this Section except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.
- 2) A flare must be operated with a flame present at all times, as determined by the methods specified in subsection (f)(2)(c) of this Section.
- 3) A flare must be used only if the net heating value of the gas being combusted is 11.2 MJ/scm (300 Btu/scf) or greater if the flare is steam-assisted or air-assisted, or if the net heating value of the gas being combusted is 7.45 MJ/scm (200 Btu/scf) or

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greater if the flare is nonassisted. The net heating value of the gas being combusted must be determined by the methods specified in subsection (e)(2) of this Section.

**4) Exit Velocity.**

- A) A steam-assisted or nonassisted flare must be designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) of this Section, less than 18.3 m/s (60 ft/s), except as provided in subsections (d)(4)(B) and (d)(4)(C) of this Section.
- B) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) of this Section, equal to or greater than 18.3 m/s (60 ft/s) but less than 122 m/s (400 ft/s) is allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1000 Btu/scf).
- C) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) of this Section, less than the velocity,  $V$  as determined by the method specified in subsection (e)(4) and less than 122 m/s (400 ft/s) is allowed.
- 5) An air-assisted flare must be designed and operated with an exit velocity less than the velocity,  $V$  as determined by the method specified in subsection (e)(5) of this Section.
- 6) A flare used to comply with this Section must be steam-assisted, air-assisted, or nonassisted.
- e) Compliance determination and equations.
  - 1) Reference Method 22 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111, must be used to determine the compliance of a flare with the visible emission provisions of this Subpart. The observation period is 2 hours and must be used according to Method 22.
  - 2) The net heating value of the gas being combusted in a flare must be calculated using the following equation:

$$H[T] = K \sum_{i=1}^n C[i] \times H[i]$$

Where:

$H[T]$  is the net heating value of the sample in MJ/scm; where the net enthalpy per mole of off gas is based on combustion at 25°C and 760 mm Hg, but the standard temperature for determining the volume corresponding to 1 mole is 20°C.

$K = 1.74 \times 10^{-7}$  (1/ppm) (gmol/scm) (MJ/kcal) where the standard temperature for (gmol/scm) is 20°C.

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S  $X(i)$  means the sum of the values of  $X$  for each component  $i$ , from  $i=1$  to  $n$ .

$C(i)$  is the concentration of sample component  $i$  in ppm on a wet basis, as measured for organics by Reference Method 18 in 40 CFR 60, and for carbon monoxide, by ASTM D 1946-90, incorporated by reference in 35 Ill. Adm. Code 720.111.

$H(i)$  is the net heat of combustion of sample component  $i$ , kcal/gmol at 25°C and 760 mm Hg. The heats of combustion must be determined using ASTM D 2382-88, incorporated by reference in 35 Ill. Adm. Code 720.111, if published values are not available or cannot be calculated.

3) The actual exit velocity of a flare must be determined by dividing the volumetric flow rate (in units of standard temperature and pressure), as determined by Reference Methods 2, 2A, 2C, or 2D in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111, as appropriate, by the unobstructed (free) cross-sectional area of the flare tip.

4) The maximum allowed velocity in m/s,  $V$  for a flare complying with subsection (d)(4)(C) of this Section must be determined by the following equation:

$$\log[10] (V[\max]) = \frac{H[T] + 28.8}{31.7}$$

Where:

$\log_{\log}[10]$  means logarithm to the base 10

$H[T]$  is the net heating value as determined in subsection (e)(2) of this Section.

5) The maximum allowed velocity in m/s,  $V$  for an air-assisted flare must be determined by the following equation:

$$V = 8.706 + 0.7084 H[T]$$

Where:

$H[T]$  is the net heating value as determined in subsection (e)(2) of this Section.

f) The owner or operator shall monitor and inspect each control device

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required to comply with this Section to ensure proper operation and maintenance of the control device by implementing the following requirements:

1) Install, calibrate, maintain, and operate according to the manufacturer's specifications a flow indicator that provides a record of vent stream flow from each affected process vent to the control device at least once every hour. The flow indicator sensor must be installed in the vent stream at the nearest feasible point to the control device inlet but before being combined with other vent streams.

2) Install, calibrate, maintain, and operate according to the manufacturer's specifications a device to continuously monitor control device operation as specified below:

A) For a thermal vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must have accuracy of  $\pm 1\%$  of the temperature being monitored in  $^{\circ}\text{C}$  or  $\pm 0.5^{\circ}\text{C}$ , whichever is greater. The temperature sensor must be installed at a location in the combustion chamber downstream of the combustion zone.

B) For a catalytic vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature at two locations and have an accuracy of  $\pm 1\%$  of the temperature being monitored in  $^{\circ}\text{C}$  or  $\pm 0.5^{\circ}\text{C}$ , whichever is greater. One temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed inlet and a second temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed outlet.

C) For a flare, a heat sensing monitoring device equipped with a continuous recorder that indicates the continuous ignition of the pilot flame.

D) For a boiler or process heater having a design heat input capacity less than 44 MW, a temperature monitoring device equipped with a continuous recorder. The device must have an accuracy of  $\pm 1\%$  of the temperature being monitored in  $^{\circ}\text{C}$  or  $\pm 0.5^{\circ}\text{C}$ , whichever is greater. The temperature sensor must be installed at a location in the furnace downstream of the combustion zone.

E) For a boiler or process heater having a design heat input capacity greater than or equal to 44 MW, a monitoring device equipped with a continuous recorder to measure parameters that indicate good combustion operating practices are being used.

F) For a condenser, either:

i) A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the condenser; or



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- ii) A temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature with an accuracy of  $\pm 1\%$  of the temperature being monitored in degrees Celsius ( $^{\circ}\text{C}$ ) or  $\pm 0.5^{\circ}\text{C}$ , whichever is greater. The temperature sensor must be installed at a location in the exhaust vent stream from the condenser exit (i.e., product side).
- G) For a carbon adsorption system such as a fixed-bed carbon control device, either:
- A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the carbon bed; or
  - A monitoring device equipped with a continuous recorder to measure a parameter that indicates the carbon bed is regenerated on a regular, predetermined time cycle.
- 3) Inspect the readings from each monitoring device required by subsections (f)(1) and (f)(2) of this Section at least once each operating day to check control device operation and, if necessary, immediately implement the corrective measures necessary to ensure the control device operates in compliance with the requirements of this Section.
- g) An owner or operator using a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly on-site in the control device shall replace the existing carbon in the control device with fresh carbon at a regular, predetermined time interval that is no longer than the carbon service life established as a requirement of Section 725.935(b)(4)(C)(vi).
- h) An owner or operator using a carbon adsorption system such as a carbon canister that does not regenerate the carbon bed directly on-site in the control device shall replace the existing carbon in the control device with fresh carbon on a regular basis by using one of the following procedures:
- Monitor the concentration level of the organic compounds in the exhaust vent stream from the carbon adsorption system on a regular schedule, and replace the existing carbon with fresh carbon immediately when carbon breakthrough is indicated. The monitoring frequency must be daily or at an interval no greater than 20% of the time required to consume the total carbon working capacity established as a requirement of Section 725.935(b)(4)(C)(vii), whichever is longer.
  - Replace the existing carbon with fresh carbon at a regular, predetermined time interval that is less than the design carbon replacement interval established as a requirement of Section 725.935(b)(4)(C)(vii).
- i) An owner or operator of an affected facility seeking to comply with

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- the provisions of this Part by using a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system is required to develop documentation including sufficient information to describe the control device operation and identify the process parameter or parameters that indicate proper operation and maintenance of the control device.
- j) A closed-vent closed-vent system must meet either of the following design requirements:
- A closed-vent system must be designed to operate with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv above background, as determined by the methods specified at Section 725.934(b), and by visual inspections; or
  - A closed-vent system must be designed to operate at a pressure below atmospheric pressure. The system must be equipped with at least one pressure gauge or other pressure measurement device that can be read from a readily accessible location to verify that negative pressure is being maintained in the closed-vent system when the control device is operating.
- k) The owner or operator shall monitor and inspect each closed-vent system required to comply with this Section to ensure proper operation and maintenance of the closed-vent system by implementing the following requirements:
- Each closed-vent system that is used to comply with subsection (j)(1) of this Section shall be inspected and monitored in accordance with the following requirements:
    - An initial leak detection monitoring of the closed-vent system shall be conducted by the owner or operator on or before the date that the system becomes subject to this Section. The owner or operator shall monitor the closed-vent system components and connections using the procedures specified in Section 725.934(b) to demonstrate that the closed-vent system operates with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv above background.
    - After initial leak detection monitoring required in subsection (k)(1)(A) of this Section, the owner or operator shall inspect and monitor the closed-vent system as follows:
      - Closed-vent system joints, seams, or other connections that are permanently or semi-permanently sealed (e.g., a welded joint between two sections of hard piping or a bolted and gasketed ducting flange) must be visually inspected at least once per year to check for defects that could result in air pollutant emissions. The owner or operator shall monitor a component or connection using the procedures specified in Section 725.934(b) to demonstrate that it operates with no detectable emissions following any time the component

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- is repaired or replaced (e.g., a section of damaged hard piping is replaced with new hard piping) or the connection is unsealed (e.g., a flange is unbolted).
- i) Closed-vent system components or connections other than those specified in subsection (k)(1)(B)(i) of this Section must be monitored annually and at other times as requested by the Regional Administrator, except as provided for in subsection (n) of this Section, using the procedures specified in Section 725.934(b) to demonstrate that the components or connections operate with no detectable emissions.
- C) In the event that a defect or leak is detected, the owner or operator shall repair the defect or leak in accordance with the requirements of subsection (k)(3) of this Section.
- D) The owner or operator shall maintain a record of the inspection and monitoring in accordance with the requirements specified in Section 725.935.
- 2) Each closed-vent system that is used to comply with subsection (j)(2) of this Section must be inspected and monitored in accordance with the following requirements:
- A) The closed-vent system must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in ductwork or piping or loose connections.
- B) The owner or operator shall perform an initial inspection of the closed-vent system on or before the date that the system becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year.
- C) In the event that a defect or leak is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k)(3) of this Section.
- D) The owner or operator shall maintain a record of the inspection and monitoring in accordance with the requirements specified in Section 725.935.
- 3) The owner or operator shall repair all detected defects as follows:
- A) Detectable emissions, as indicated by visual inspection or by an instrument reading greater than 500 ppmv above background, must be controlled as soon as practicable, but not later than 15 calendar days after the emission is detected, except as provided for in subsection (k)(3)(C) of this Section.
- B) A first attempt at repair must be made no later than five calendar days after the emission is detected.
- C) Delay of repair of a closed-vent system for which leaks have been detected is allowed if the repair is technically

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- infeasible without a process unit shutdown, or if the owner or operator determines that emissions resulting from immediate repair would be greater than the fugitive emissions likely to result from delay of repair. Repair of such equipment must be completed by the end of the next process unit shutdown.
- D) The owner or operator shall maintain a record of the defect repair in accordance with the requirements specified in Section 725.935.
- 1) A closed-vent system or control device used to comply with provisions of this Subpart must be operated at all times when emissions may be vented to it.
- m) The owner or operator using a carbon adsorption system to control air pollutant emissions shall document that all carbon removed that is hazardous waste and that is removed from the control device is managed in one of the following manners, regardless of the volatile organic concentration of the carbon:
- 1) It is regenerated or reactivated in a thermal treatment unit that meets one of the following:
- A) The owner or operator of the unit has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of 35 Ill. Adm. Code 724.Subpart X; or
- B) The unit is equipped with and operating air emission controls in accordance with the applicable requirements of 725.Subparts AA and CC or 35 Ill. Adm. Code 724; or
- C) The unit is equipped with and operating air emission controls in accordance with a national emission standard for hazardous air pollutants under 40 CFR 61 or 40 CFR 63.
- 2) It is incinerated in a hazardous waste incinerator for which the owner or operator has done either of the following:
- A) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of 35 Ill. Adm. Code 724.Subpart O, or
- B) The owner or operator has designed and operates the incinerator in accordance with the interim status requirements of 725.Subpart O.
- 3) It is burned in a boiler or industrial furnace for which the owner or operator has done either of the following:
- A) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of 35 Ill. Adm. Code 726.Subpart H, or
- B) The owner or operator has designed and operates the boiler or industrial furnace in accordance with the interim status requirements of 35 Ill. Adm. Code 726.Subpart H.
- n) Any components of a closed-vent system that are designated, as described in Section 725.935(c)(9), as unsafe to monitor are exempt from the requirements of subsection (k)(1)(B)(ii) of this Section if

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both of the following conditions are fulfilled:

- 1) The owner or operator of the closed-vent system has determined that the components of the closed-vent system are unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with subsection (k)(1)(B)(ii) of this Section; and
- 2) The owner or operator of the closed-vent system adheres to a written plan that requires monitoring the closed-vent system components using the procedure specified in subsection (k)(1)(B)(ii) of this Section as frequently as practicable during safe-to-monitor times.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 725.934 Test Methods and Procedures

- a) Each owner or operator subject to the provisions of this Subpart shall comply with the test methods and procedures requirements provided in this Section
- b) When a closed-vent system is tested for compliance with no detectable emissions, as required in Section 725.933(k), the test must comply with the following requirements:
  - 1) Monitoring must comply with Reference Method 21 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111.
  - 2) The detection instrument must meet the performance criteria of Reference Method 21.
  - 3) The instrument must be calibrated before use on each day of its use by the procedures specified in Reference Method 21.
  - 4) Calibration gases must be:
    - A) Zero air (less than 10 ppm of hydrocarbon in air).
    - B) A mixture of methane or n-hexane and air at a concentration of approximately, but less than, 10,000 ppm methane or n-hexane.
  - 5) The background level must be determined as set forth in Reference Method 21.
  - 6) The instrument probe must be transferred around all potential leak interfaces as close to the interface as possible, as described in Reference Method 21.
  - 7) The arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.
- c) Performance tests to determine compliance with Section 725.932(a) and with the total organic compound concentration limit of Section 725.933(c) must comply with the following:
  - 1) Performance tests to determine total organic compound concentrations and mass flow rates entering and exiting control devices must be conducted and data reduced in accordance with the

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following reference methods and calculation procedures:

- A) Method 2 in 40 CFR 60 for velocity and volumetric flow rate.
- B) Method 18 in 40 CFR 60 for organic content.
- C) Each performance test must consist of three separate runs, each run conducted for at least 1 hour under the conditions that exist when the hazardous waste management unit is operating at the highest load or capacity level reasonably expected to occur. For the purpose of determining total organic compound concentrations and mass flow rates, the average of results of all runs applies. The average must be computed on a time-weighted basis.
- D) Total organic mass flow rates must be determined by the following equation:

$$E[h] = Q[2sd] \times \left( \sum_{i=1}^n C[i] \times MW[i] \right) \times 0.0416 \times 10(-6)$$

Where:

E[h]	=	The total organic mass flow rate, kg/h.
Q[2sd]	=	The volumetric flow rate of gases entering or exiting control device, dscm/h, as determined by Method 2 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111.
n	=	The number of organic compounds in the vent gas.
C[i]	=	The organic concentration in ppm, dry basis, of compound i in the vent gas, as determined by Method 18 in 40 CFR 60.
MW[i]	=	The molecular weight of organic compound i in the vent gas, kg/kg-mol.
0.0416	=	The conversion factor for molar volume, kg-mol/m(3), at 293 K and 760 mmHg.
10(-66)	=	The conversion factor from ppm.
E)	The annual total organic emission rate must be determined by the following equation:  A = F X H	



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- A) The owner or operator shall take a minimum of four grab samples of waste for each wastestream managed in the affected unit under process conditions expected to cause the maximum waste organic concentration.
- B) For waste generated on-site, the grab samples must be collected at a point before the waste is exposed to the atmosphere such as in an enclosed pipe or other closed system that is used to transfer the waste after generation to the first affected distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation. For waste generated off site, the grab samples must be collected at the inlet to the first waste management unit that receives the waste provided the waste has been transferred to the facility in a closed system such as a tank truck and the waste is not diluted or mixed with other waste.
- C) Each sample must be analyzed and the total organic concentration of the sample must be computed using Method 9060 or 8260 of SW-846, incorporated by reference under 35 Ill. Adm. Code 720.111.
- D) The arithmetic mean of the results of the analyses of the four samples apply for each wastestream managed in the unit in determining the time-weighted, annual average total organic concentration of the waste. The time-weighted average is to be calculated using the annual quantity of each waste stream processed and the mean organic concentration of each wastestream managed in the unit.

- 2) Using knowledge of the waste to determine that its total organic concentration is less than 10 ppmw. Documentation of the waste determination is required. Examples of documentation that must be used to support a determination under this subsection (d)(2) include:
- A) Production process information documenting that no organic compounds are used;
- B) Information that the waste is generated by a process that is identical to a process at the same or another facility that has previously been demonstrated by direct measurement to generate a wastestream having a total organic content less than 10 ppmw; or
- C) Prior speciation analysis results on the same wastestream where it is documented that no process changes have occurred since that analysis that could affect the waste total organic concentration.
- e) The determination that distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operations which manage hazardous wastes with time-weighted, annual average total organic concentrations less than 10 ppmw must be made as follows:
- 1) By the effective date that the facility becomes subject to the

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Where:

- A is total organic emission rate, kg/y.
- F is the total organic mass flow rate, kg/h, as calculated in subsection (c)(1)(D) of this Section.
- H is the total annual hours of operation for the affected unit.

F) Total organic emissions from all affected process vents at the facility must be determined by summing the hourly total organic mass emissions rates (F as determined in subsection (c)(1)(D) of this Section) and by summing the annual total organic mass emission rates (A as determined in subsection (c)(1)(E) of this Section) for all affected process vents at the facility.

- 2) The owner or operator shall record such process information as is necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown and malfunction do not constitute representative conditions for the purpose of a performance test.
- 3) The owner or operator of an affected facility shall provide, or cause to be provided, performance testing facilities as follows:

- A) Sampling ports adequate for the test methods specified in subsection (c)(1) of this Section.
- B) Safe sampling platform(s).
- C) Safe access to sampling and testing equipment.
- D) Utilities for sampling and testing equipment.
- 4) For the purpose of making compliance determinations, the time-weighted average of the results of the three runs must apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions or other circumstances beyond the owner or operator's control, compliance may, upon the Agency's approval, be determined using the average of the results of the two other runs.

d) To show that a process vent associated with a hazardous waste distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation is not subject to the requirements of this Subpart, the owner or operator shall make an initial determination that the time-weighted, annual average total organic concentration of the waste managed by the waste management unit is less than 10 ppmw using one of the following two methods:

- 1) Direct measurement of the organic concentration of the waste using the following procedures:

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provisions of this Subpart or by the date when the waste is first managed in a waste management unit, whichever is later; and

- 2) For continuously generated waste, annually; or
- 3) Whenever there is a change in the waste being managed or a change in the process that generates or treats the waste.

f) When an owner or operator and the Agency do not agree on whether a distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation manages a hazardous waste with organic concentrations of at least 10 ppmw based on knowledge of the waste, the procedures in Method 8260 8240 in SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, must be used to resolve the dispute.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

## Section 725.963 Test Methods and Procedures

a) Each owner or operator subject to the provisions of this Subpart shall comply with the test methods and procedures requirements provided in this Section.

b) Leak detection monitoring, as required in Sections 725.952 through 725.962, must comply with the following requirements:

- 1) Monitoring must comply with Reference Method 21 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111.

- 2) The detection instrument must meet the performance criteria of Reference Method 21.

- 3) The instrument must be calibrated before use on each day of its use by the procedures specified in Reference Method 21.

- 4) Calibration gases must be:

- A) Zero air (less than 10 ppm of hydrocarbon in air).
- B) A mixture of methane or n-hexane and air at a concentration of approximately, but less than, 10,000 ppm methane or n-hexane.

- 5) The instrument probe must be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.

c) When equipment is tested for compliance with no detectable emissions, as required in Sections 725.952(e), 725.953(i), 725.954, and 725.957(f), the test must comply with the following requirements:

- 1) The requirements of subsections (b)(1) through (b)(4) above apply.

- 2) The background level must be determined as set forth in Reference Method 21.

- 3) The instrument probe must be traversed around all potential leak interfaces as close to the interface as possible as described in

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Reference Method 21.

- 4) This arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.

d) In accordance with the waste analysis plan required by Section 725.113(b), an owner or operator of a facility shall determine, for each piece of equipment, whether the equipment contains or contacts a hazardous waste with organic concentration that equals or exceeds 10 percent by weight using the following:

- 1) Methods described in ASTM Methods D 2267-88, E 168-88, E 169-87, or E 260-85, incorporated by reference in 35 Ill. Adm. Code 720.111;

- 2) Method 9060 or 8260 8240 of SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111; or

- 3) Application of the knowledge of the nature of the hazardous wastestream or the process by which it was produced. Documentation of a waste determination by knowledge is required. Examples of documentation that must be used to support a determination under this provision include production process information documenting that no organic compounds are used,

- information that the waste is generated by a process that is identical to a process at the same or another facility that has previously been demonstrated by direct measurement to have a total organic content less than 10 percent, or prior specification analysis results on the same wastestream where it is also documented that no process changes have occurred since that analysis that could affect the waste total organic concentration.

- e) If an owner or operator determines that a piece of equipment contains or contacts a hazardous waste with organic concentrations at least 10 percent by weight, the determination can be revised only after following the procedures in subsection (d)(1) or (d)(2) above.

- f) When an owner or operator and the Agency do not agree on whether a piece of equipment contains or contacts a hazardous waste with organic concentrations at least 10 percent by weight, the procedures in subsection (d)(1) or (d)(2) above must be used to resolve the dispute.

- g) Samples used in determining the percent organic content must be representative of the highest total organic content hazardous waste that is expected to be contained in or contact the equipment.

- h) To determine if pumps or valves are in light liquid service, the vapor pressures of constituents must either be obtained from standard reference texts or be determined by ASTM D 2879-9286, incorporated by reference in 35 Ill. Adm. Code 720.111.

- i) Performance tests to determine if a control device achieves 95 weight percent organic emission reduction must comply with the procedures of Section 725.934(c)(1) through (c)(4).

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## Section 725.964 Recordkeeping Requirements

## a) Lumping Units

- 1) Each owner or operator subject to the provisions of this Subpart shall comply with the recordkeeping requirements of this Section.
- 2) An owner or operator of more than one hazardous waste management unit subject to the provisions of this Subpart may comply with the recordkeeping requirements for these hazardous waste management units in one recordkeeping system if the system identifies each record by each hazardous waste management unit.

## b) Owners and operators shall record the following information in the facility operating record:

- 1) For each piece of equipment to which this Subpart applies:
  - A) Equipment identification number and hazardous waste management unit identification.
  - B) Approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan).
  - C) Type of equipment (e.g., a pump or pipeline valve).
  - D) Percent-by-weight total organics in the hazardous wastestream at the equipment.
  - E) Hazardous waste state at the equipment (e.g., gas/vapor or liquid).
  - F) Method of compliance with the standard (e.g., "monthly leak detection and repair" or "equipped with dual mechanical seals").
- 2) For facilities that then comply with the provisions of Section 725.933(a)(2), an implementation schedule as specified in that Section.
- 3) Where an owner or operator chooses to use test data to demonstrate the organic removal efficiency or total organic compound concentration achieved by the control device, a performance test plan as specified in Section 725.935(b)(3).
- 4) Documentation of compliance with Section 725.960, including the detailed design documentation or performance test results specified in Section 725.935(b)(4).

## c) When each leak is detected as specified in Section Sections 725.952, 725.953, 725.957 or 725.958, the following requirements apply:

- 1) A weatherproof and readily visible identification, marked with the equipment identification number, the date evidence of a potential leak was found in accordance with Section 725.958(a), and the date the leak was detected, must be attached to the leaking equipment.
- 2) The identification on equipment except on a valve, may be removed after it has been repaired.
- 3) The identification on a valve may be removed after it has been monitored for 2 successive months as specified in Section 725.957(c) and no leak has been detected during those 2 months.

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- d) When each leak is detected as specified in Section Sections 725.952, 725.953, 725.957 or 725.958, the following information must be recorded in an inspection log and must be kept in the facility operating record:
  - 1) The instrument and operator identification numbers and the equipment identification number.
  - 2) The date evidence of a potential leak was found in accordance with Section 725.958(a).
  - 3) The date the leak was detected and the dates of each attempt to repair the leak.
  - 4) Repair methods applied in each attempt to repair the leak.
  - 5) "Above 10,000", if the maximum instrument reading measured by the methods specified in Section 725.963(b) after each repair attempt is equal to or greater than 10,000 ppm.
  - 6) "Repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.
  - 7) Documentation supporting the delay of repair of a valve in compliance with Section 725.959(c).
  - 8) The signature of the owner or operator (or designate) whose decision it was that repair could not be effected without a hazardous waste management unit shutdown.
  - 9) The expected date of successful repair of the leak if a leak is not repaired within 15 calendar days.
  - 10) The date of successful repair of the leak.

- e) Design documentation and monitoring, operating and inspection information for each closed-vent system and control device required to comply with the provisions of Section 725.960 must be recorded and kept up-to-date in the facility operating record as specified in Section 725.935(c)(1) and (c)(2), and monitoring, operating and inspection information in Section 725.935(c)(3) through (c)(8).
- f) For a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system, monitoring and inspection information indicating proper operation and maintenance of the control device must be recorded in the facility operating record.

- g) The following information pertaining to all equipment subject to the requirements in Sections 725.952 through 725.960 must be recorded in a log that is kept in the facility operating record:
  - 1) A list of identification numbers for equipment (except welded fittings) subject to the requirements of this Subpart.
  - 2) List of Equipment
    - A) A list of identification numbers for equipment that the owner or operator elects to designate for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, under the provisions of Sections 725.952(e), 725.953(i) and 725.957(f).
    - B) The designation of this equipment as subject to the requirements of Section 725.952(e), 725.953(i) or 725.957(f)



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- must be signed by the owner or operator.
- 3) A list of equipment identification numbers for pressure relief devices required to comply with Section 725.954(a).
  - 4) Compliance tests:
    - A) The dates of each compliance test required in Sections 725.952(e), 725.953(i), 725.954, and 725.957(f).
    - B) The background level measured during each compliance test.
    - C) The maximum instrument reading measured at the equipment during each compliance test.
  - 5) A list of identification numbers for equipment in vacuum service.
  - 6) Identification, either by list or location (area or group) of equipment that contains or contacts hazardous waste with an organic concentration of at least 10% by weight for a period of less than 300 hours per year.
  - h) The following information pertaining to all valves subject to the requirements of Section 725.957(g) and (h) must be recorded in a log that is kept in the facility operating record:
    - 1) A list of identification numbers for valves that are designated as unsafe to monitor, an explanation for each valve stating why the valve is unsafe to monitor, and the plan for monitoring each valve.
    - 2) A list of identification numbers for valves that are designated as difficult to monitor, an explanation for each valve stating why the valve is difficult to monitor, and the planned schedule for monitoring each valve.
  - i) The following information must be recorded in the facility operating record for valves complying with Section 725.962:
    - 1) A schedule of monitoring.
    - 2) The percent of valves found leaking during each monitoring period.
  - j) The following information must be recorded in a log that is kept in the facility operating record:
    - 1) Criteria required in Sections 725.952(d)(5)(B) and 725.953(e)(2) and an explanation of the criteria.
    - 2) Any changes to these criteria and the reasons for the changes.
  - k) The following information must be recorded in a log that is kept in the facility operating record for use in determining exemptions as provided in Section 725.950 and other specific Subparts:
    - 1) An analysis determining the design capacity of the hazardous waste management unit.
    - 2) A statement listing the hazardous waste influent to and effluent from each hazardous waste management unit subject to the requirements in Section 725.960 and an analysis determining whether these hazardous wastes are heavy liquids.
    - 3) An up-to-date analysis and the supporting information and data used to determine whether or not equipment is subject to the requirements in Sections 725.952 through 725.960. The record must include supporting documentation as required by Section

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725.963(d)(3) when application of the knowledge of the nature of the hazardous wastestream or the process by which it was produced is used. If the owner or operator takes any action (e.g., changing the process that produced the waste) that could result in an increase in the total organic content of the waste contained in or contacted by equipment determined not to be subject to the requirements in Sections 725.952 through 725.960, then a new determination is required.

- l) Records of the equipment leak information required by subsection (d) of this Section and the operating information required by subsection (e) of this Section need be kept only three years.
- m) The owner or operator of any facility that is subject to this Subpart and to regulations at 40 CFR 60, Subpart VV, or 40 CFR 61, Subpart V, incorporated by reference in 35 Ill. Adm. Code 720.111, may elect to determine compliance with this Subpart by documentation either pursuant to Section 725.964, or pursuant to those provisions of 40 CFR 60 or 61, to the extent that the documentation under the regulation at 40 CFR 60 or 61 duplicates the documentation required under this Subpart. The documentation under the regulation at 40 CFR 60 or 61 must be kept with or made readily available with the facility operating record.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS

## Section 725.981 Definitions

As used in this Subpart and in 35 Ill. Adm. Code 724, all terms not defined herein shall have the meaning given to them in the Act and 35 Ill. Adm. Code 720 through 726.

"Average volatile organic concentration" or "average VO concentration" means the mass-weighted average volatile organic concentration of a hazardous waste, as determined in accordance with the requirements of Section 725.984.

"Closure device" means a cap, hatch, lid, plug, seal, valve, or other type of fitting that blocks an opening in a cover so that when the device is secured in the closed position it prevents or reduces air pollutant emissions to the atmosphere. Closure devices include devices that are detachable from the cover (e.g., a sampling port cap), manually operated (e.g., a hinged access lid or hatch), or automatically operated (e.g., a spring-loaded pressure relief valve).

"Continuous seal" means a seal that forms a continuous closure that

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completely covers the space between the edge of the floating roof and the wall of a tank. A continuous seal may be a vapor-mounted seal, liquid-mounted seal, or metallic shoe seal. A continuous seal may be constructed of fastened segments so as to form a continuous seal.

"Cover" means a device that provides a continuous barrier over the hazardous waste managed in a unit to prevent or reduce air emissions to the atmosphere. A cover may have openings (such as access hatches, sampling ports, and gauge wells) that are necessary for operation, inspection, maintenance, or repair of the unit on which the cover is used. A cover may be a separate piece of equipment which can be detached and removed from the unit or a cover may be formed by structural features permanently integrated into the design of the unit.

"Enclosure" means a structure that surrounds a tank or container, captures organic vapors emitted from the tank or container, and vents the captured vapors through a closed-vent system to a control device.

"External floating roof" means a pontoon-type or double-deck type cover that rests on the surface of a hazardous waste being managed in a tank with no fixed roof.

"Fixed roof" means a cover that is mounted on a unit in a stationary position and does not move with fluctuations in the level of the material managed in the unit.

"Floating membrane cover" means a cover consisting of a synthetic flexible membrane material that rests upon and is supported by the hazardous waste being managed in a surface impoundment.

"Floating roof" means a cover consisting of a double-deck, pontoon single-deck, or internal floating cover that rests upon and is supported by the material being contained, and is equipped with a continuous seal.

"Hard-piping" means pipe or tubing that is manufactured and properly installed in accordance with relevant standards and good engineering practices.

"In light material service" means the container is used to manage a material for which both of the following conditions apply: the vapor pressure of one or more of the organic constituents in the material is greater than 0.3 kilopascals (kPa) at 20°C (1.2 inches H<sub>2</sub>O at 68°F); and the total concentration of the pure organic constituents having a vapor pressure greater than 0.3 kPa at 20°C (1.2 inches H<sub>2</sub>O at 68°F) is equal to or greater than 20% by weight.

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"Internal floating roof" means a cover that rests or floats on the material surface (but not necessarily in complete contact with it) inside a tank that has a fixed roof.

"Liquid-mounted seal" means a foam or liquid-filled primary seal mounted in contact with the hazardous waste between the tank wall and the floating roof, continuously around the circumference of the tank.

"Malfunction" means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. A failure that is caused in part by poor maintenance or careless operation is not a malfunction.

"Maximum organic vapor pressure" means the sum of the individual organic constituent partial pressures exerted by the material contained in a tank at the maximum vapor pressure-causing conditions (i.e., temperature, agitation, pH effects of combining wastes, etc.) reasonably expected to occur in the tank. For the purpose of this Subpart, maximum organic vapor pressure is determined using the procedures specified in Section 725.984(c).

"Metallic shoe seal" means a continuous seal that is constructed of metal sheets that are held vertically against the wall of the tank by springs, weighted levers, or other mechanisms and which is connected to the floating roof by braces or other means. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.

"No detectable organic emissions" means no escape of organics to the atmosphere, as determined using the procedure specified in Section 725.984(d).

"Point of waste origination" means as follows:

When the facility owner or operator is the generator of the hazardous waste, the "point of waste origination" means the point where a solid waste produced by a system, process, or waste management unit is determined to be a hazardous waste, as defined in 35 Ill. Adm. Code 721.

BOARD NOTE: In this case, this term is being used in a manner similar to the use of the term "point of generation" in air standards established for waste management operations under authority of the federal Clean Air Act in 40 CFR 60, 61, and 63.

When the facility owner and operator are not the generator of the hazardous waste, "point of waste origination" means the point where the owner or operator accepts delivery or takes possession



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of the hazardous waste.

"Point of waste treatment" means the point where a hazardous waste to be treated in accordance with Section 725.983(c)(2) exits the treatment process. Any waste determination must be made before the waste is conveyed, handled, or otherwise managed in a manner that allows the waste to volatilize to the atmosphere.

"Safety device" means a closure device, such as a pressure relief valve, frangible disc, fusible plug, or any other type of device, which functions exclusively to prevent physical damage or permanent deformation to a unit or its air emission control equipment by venting gases or vapors directly to the atmosphere during unsafe conditions resulting from an unplanned, accidental, or emergency event. For the purpose of this Subpart, a safety device is not used for routine venting of gases or vapors from the vapor headspace underneath a cover such as during filling of the unit or to adjust the pressure in this vapor headspace in response to normal daily diurnal ambient temperature fluctuations. A safety device is designed to remain in a closed position during normal operations and open only when the internal pressure, or another relevant parameter, exceeds the device threshold setting applicable to the air emission control equipment as determined by the owner or operator based on manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials.

"Single-seal system" means a floating roof having one continuous seal. This seal may be vapor-mounted, liquid-mounted, or a metallic shoe seal.

"Vapor-mounted seal" means a continuous seal that is mounted so that there is a vapor space between the hazardous waste in the unit and the bottom of the seal.

"Volatile organic concentration" or "VO concentration" means the fraction by weight of organic compounds contained in a hazardous waste expressed in terms of parts per million (ppmw), as determined by direct measurement or by knowledge of the waste, in accordance with the requirements of Section 725.984. For the purpose of determining the VO concentration of a hazardous waste, organic compounds with a Henry's law constant value of at least 0.1 mole-fraction-in-the-gas-phase/mole-fraction-in-the-liquid-phase (0.1 Y/X) (which can also be expressed as 1.8X10<sup>-6</sup> atmospheres/gram-mole/m(3)) at 25°C (77°F) must be included. Section 725. Appendix F presents a list of compounds known to have a Henry's

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law constant value less than the cutoff level.

"Waste determination" means performing all applicable procedures in accordance with the requirements of Section 725.984 to determine whether a hazardous waste meets standards specified in this Subpart. Examples of a waste determination include performing the procedures in accordance with the requirements of Section 725.984 to determine the average VO concentration of a hazardous waste at the point of waste origination, determining the average VO concentration of a hazardous waste at the point of waste treatment and comparing the results to the exit concentration limit specified for the process used to treat the hazardous waste, the organic reduction efficiency and the organic biodegradation efficiency for a biological process used to treat a hazardous waste and comparing the results to the applicable standards, or determining the maximum volatile organic vapor pressure for a hazardous waste in a tank and comparing the results to the applicable standards.

"Waste stabilization process" means any physical or chemical process used to either reduce the mobility of hazardous constituents in a hazardous waste or eliminate free liquids as determined by Test Method 9095 (Paint Filter Liquids Test) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", incorporated by reference in Section 720.111. A waste stabilization process includes mixing the hazardous waste with binders or other materials and curing the resulting hazardous waste and binder mixture. Other synonymous terms used to refer to this process are "waste fixation" or "waste solidification". This does not include the addition of absorbent materials to the surface of a waste to absorb free liquid without mixing, agitation, or subsequent curing.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 725.985 Standards: Tanks

a) The provisions of this Section apply to the control of air pollutant emissions from tanks for which Section 725.983(b) references the use of this Section for such air emission control.

b) The owner or operator shall control air pollutant emissions from each tank subject to this Section in accordance with the following requirements, as applicable:

- 1) For a tank that manages hazardous waste which meets all of the conditions specified in subsections (b)(1)(A) through (b)(1)(C) of this Section, the owner or operator shall control air pollutant emissions from the tank in accordance with the Tank Level 1 controls specified in subsection (c) of this Section or the Tank Level 2 controls specified in subsection (d) of this



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A) The hazardous waste in the tank has a maximum organic vapor pressure that is less than the maximum organic vapor pressure limit for the tank's design capacity category, as follows:

- i) For a tank design capacity equal to or greater than 151 m(3) (5333 ft(3) or 39,887 gal), the maximum organic vapor pressure limit for the tank is 5.2 kPa (0.75 psia or 39 mm Hg);
- ii) For a tank design capacity equal to or greater than 75 m(3) (2649 ft(3) or 19,810 gal) but less than 151 m(3) (5333 ft(3) or 39,887 gal), the maximum organic vapor pressure limit for the tank is 27.6 kPa (4.0 psia or 207 mm Hg); or
- iii) For a tank design capacity ~~is~~ less than 75 m(3) (2649 ft(3) or 19,810 gal), the maximum organic vapor pressure limit for the tank is 76.6 kPa (11.1 psia or 574 mm Hg).

B) The hazardous waste in the tank is not heated by the owner or operator to a temperature that is greater than the temperature at which the maximum organic vapor pressure of the hazardous waste is determined for the purpose of complying with subsection (b)(1)(A) of this Section.

C) The hazardous waste in the tank is not treated by the owner or operator using a waste stabilization process, as defined in Section 725.981.

- 2) For a tank that manages hazardous waste that does not meet all of the conditions specified in subsections (b)(1)(A) through (b)(1)(C) of this Section, the owner or operator shall control air pollutant emissions from the tank by using Tank Level 2 controls in accordance with the requirements of subsection (d) of this Section. Examples of tanks required to use Tank Level 2 controls include the following: a tank used for a waste stabilization process and a tank for which the hazardous waste in the tank has a maximum organic vapor pressure that is equal to or greater than the maximum organic vapor pressure limit for the tank's design capacity category, as specified in subsection (b)(1)(A) of this Section.

c) Owners and operators controlling air pollutant emissions from a tank using Tank Level 1 controls shall meet the requirements specified in subsections (c)(1) through (c)(4) of this Section:

- 1) The owner or operator shall determine the maximum organic vapor pressure for a hazardous waste to be managed in the tank using Tank Level 1 controls before the first time the hazardous waste is placed in the tank. The maximum organic vapor pressure must be determined using the procedures specified in Section 725.984(c). Thereafter, the owner or operator shall perform a new determination whenever changes to the hazardous waste managed

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in the tank could potentially cause the maximum organic vapor pressure to increase to a level that is equal to or greater than the maximum organic vapor pressure limit for the tank design capacity category specified in subsection (b)(1)(A) of this Section, as applicable to the tank.

- 2) The tank must be equipped with a fixed roof designed to meet the following specifications:

A) The fixed roof and its closure devices must be designed to form a continuous barrier over the entire surface area of the hazardous waste in the tank. The fixed roof may be a separate cover installed on the tank (e.g., a removable cover mounted on an open-top tank) or may be an integral part of the tank structural design (e.g., a horizontal cylindrical tank equipped with a hatch).

B) The fixed roof must be installed in a manner such that there are no visible cracks, holes, gaps, or other open spaces between roof section ~~Section~~ joints or between the interface of the roof edge and the tank wall.

- C) Each opening in the fixed roof must be either:

- i) Equipped with a closure device designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the opening and the closure device; or
- ii) Connected by a closed-vent system that is vented to a control device. The control device must remove or destroy organics in the vent stream, and it must be operating whenever hazardous waste is managed in the tank.

D) The fixed roof and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and which will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices must include the following: organic vapor permeability; the effects of any contact with the hazardous waste or its vapors managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.

- 3) Whenever a hazardous waste is in the tank, the fixed roof must be installed with each closure device secured in the closed position, except as follows:

A) Opening of closure devices or removal of the fixed roof is allowed at the following times:

- i) To provide access to the tank for performing routine

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inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample the liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.

- ii) To remove accumulated sludge or other residues from the bottom of the tank.

B) Opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the tank internal pressure in accordance with the tank design specifications. The device must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established such that the device remains in the closed position whenever the tank internal pressure is within the internal pressure operating range determined by the owner or operator based on the tank manufacturer recommendations; applicable regulations; fire protection and prevention codes; standard engineering codes and practices; or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the tank internal pressure exceeds the internal pressure operating range for the tank as a result of loading operations or diurnal ambient temperature fluctuations.

- C) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

4) The owner or operator shall inspect the air emission control equipment in accordance with the following requirements.

- A) The fixed roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the roof sections Sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

B) The owner or operator shall perform an initial inspection of the fixed roof and its closure devices on or before the date that the tank becomes subject to this Section. Thereafter,

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the owner or operator shall perform the inspections at least once every year, except under the special conditions provided for in subsection (l) of this Section.

- C) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

- D) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b).

d) Owners and operators controlling air pollutant emissions from a tank using Tank Level 2 controls shall use one of the following tanks:

- 1) A fixed-roof tank equipped with an internal floating roof in accordance with the requirements specified in subsection (e) of this Section;
- 2) A tank equipped with an external floating roof in accordance with the requirements specified in subsection (f) of this Section;
- 3) A tank vented through a closed-vent system to a control device in accordance with the requirements specified in subsection (g) of this Section;
- 4) A pressure tank designed and operated in accordance with the requirements specified in subsection (h) of this Section; or
- 5) A tank located inside an enclosure that is vented through a closed-vent system to an enclosed combustion control device in accordance with the requirements specified in subsection (i) of this Section.

e) The owner or operator that controls air pollutant emissions from a tank using a fixed roof fixed-roof with an internal floating roof shall meet the requirements specified in subsections (e)(1) through (e)(3) of this Section.

- 1) The tank must be equipped with a fixed roof and an internal floating roof in accordance with the following requirements:

- A) The internal floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.

- B) The internal floating roof must be equipped with a continuous seal between the wall of the tank and the floating roof edge that meets either of the following requirements:

- i) A single continuous seal that is either a liquid-mounted seal or a metallic shoe seal, as defined in Section 725.981; or
- ii) Two continuous seals mounted one above of this-Section the other. The lower seal may be a vapor-mounted seal.

- C) The internal floating roof must meet the following specifications:

- i) Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker

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- vents) and the rim space vents is to provide a projection below the liquid surface.
- ii) Each opening in the internal floating roof must be equipped with a gasketed cover or a gasketed lid except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains.
  - iii) Each penetration of the internal floating roof for the purpose of sampling must have a slit fabric cover that covers at least 90% of the opening.
  - iv) Each automatic bleeder vent and rim space vent must be gasketed.
  - v) Each penetration of the internal floating roof that allows for passage of a ladder must have a gasketed sliding cover.
  - vi) Each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof must have a flexible fabric sleeve seal or a gasketed sliding cover.
- 2) The owner or operator shall operate the tank in accordance with the following requirements:
- A) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.
  - B) Automatic bleeder vents are to be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.
  - C) Prior to filling the tank, each cover, access hatch, gauge float well or lid on any opening in the internal floating roof must be bolted or fastened closed (i.e., no visible gaps). Rim space vents are to be set to open only when the internal floating roof is not floating or when the pressure beneath the rim exceeds the manufacturer's recommended setting.
- 3) The owner or operator shall inspect the internal floating roof in accordance with the procedures specified as follows:
- A) The floating roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, the following: when the internal floating roof is not floating on the surface of the liquid inside the tank; when liquid has accumulated on top of the internal floating roof; when any portion of the roof seals have detached from the roof rim; when holes, tears, or other openings are visible in the seal fabric; when the gaskets no longer close off the hazardous waste surface from the atmosphere; or when the slotted membrane has more than 10% open area.

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- B) The owner or operator shall inspect the internal floating roof components as follows, except as provided in subsection (e)(3)(C) of this Section:
- i) Visually inspect the internal floating roof components through openings on the fixed roof (e.g., manholes and roof hatches) at least once every 12 months after initial fill, and
  - ii) Visually inspect the internal floating roof, primary seal, secondary seal (if one is in service), gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least once every 10 years.
- C) As an alternative to performing the inspections specified in subsection (e)(3)(B) of this Section for an internal floating roof equipped with two continuous seals mounted one above the other, the owner or operator may visually inspect the internal floating roof, primary and secondary seals, gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least every five years.
- D) Prior to each inspection required by subsection (e)(3)(B) or (e)(3)(C) of this Section, the owner or operator shall notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Agency of the date and location of the inspection as follows:
- i) Prior to each visual inspection of an internal floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before refilling the tank, except when an inspection is not planned, as provided for in subsection (e)(3)(D)(ii) of this Section.
  - ii) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the Agency as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Regional Administrator at least seven calendar days before refilling the tank.



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E) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

F) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b).

f) The owner or operator that controls air pollutant emissions from a tank using an external floating roof shall meet the requirements specified in subsections (f)(1) through (f)(3) of this Section.

1) The owner or operator shall design the external floating roof in accordance with the following requirements:

A) The external floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.

B) The floating roof must be equipped with two continuous seals, one above the other, between the wall of the tank and the roof edge. The lower seal is referred to as the primary seal, and the upper seal is referred to as the secondary seal.

i) The primary seal must be a liquid-mounted seal or a metallic shoe seal, as defined in Section 725.981.

The total area of the gaps between the tank wall and the primary seal must not exceed 212 square centimeters (cm<sup>2</sup>) per meter (10.0 in(2) per foot) of tank diameter, and the width of any portion of these gaps must not exceed 3.8 centimeters (cm) (1.5 inches). If a metallic shoe seal is used for the primary seal, the metallic shoe seal must be designed so that one end extends into the liquid in the tank and the other end extends a vertical distance of at least 61 centimeters above the liquid surface.

ii) The secondary seal must be mounted above the primary seal and cover the annular space between the floating roof and the wall of the tank. The total area of the gaps between the tank wall and the secondary seal must not exceed 21.2 cm(2) per meter (1.0 in(2) per foot) of tank diameter, and the width of any portion of these gaps must not exceed 1.3 cm (0.5 inch).

C) The external floating roof must meet the following specifications:

i) Except for automatic bleeder vents (vacuum breaker vents) and rim space vents, each opening in a noncontact external floating roof must provide a projection below the liquid surface.

ii) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof must be equipped with a gasketed cover, seal, or lid.

iii) Each access hatch and each gauge float well must be

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equipped with a cover designed to be bolted or fastened when the cover is secured in the closed position.

iv) Each automatic bleeder vent and each rim space vent must be equipped with a gasket.

v) Each roof drain that empties into the liquid managed in the tank must be equipped with a slotted membrane fabric cover that covers at least 90% of the area of the opening.

vi) Each unslotted and slotted guide pole well must be equipped with a gasketed sliding cover or a flexible fabric sleeve seal.

vii) Each unslotted guide pole must be equipped with a gasketed cap on the end of the pole.

viii) Each slotted guide pole must be equipped with a gasketed float or other device which closes off the liquid surface from the atmosphere.

ix) Each gauge hatch and each sample well must be equipped with a gasketed cover.

2) The owner or operator shall operate the tank in accordance with the following requirements:

A) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.

B) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof must be secured and maintained in a closed position at all times except when the closure device must be open for access.

C) Covers on each access hatch and each gauge float well must be bolted or fastened when secured in the closed position.

D) Automatic bleeder vents must be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.

E) Rim space vents must be set to open only at those times that the roof is being floated off the roof leg supports or when the pressure beneath the rim seal exceeds the manufacturer's recommended setting.

F) The cap on the end of each unslotted guide pole must be secured in the closed position at all times except when measuring the level or collecting samples of the liquid in the tank.

G) The cover on each gauge hatch or sample well must be secured in the closed position at all times except when the hatch or well must be opened for access.

H) Both the primary seal and the secondary seal must completely cover the annular space between the external floating roof and the wall of the tank in a continuous fashion except during inspections.

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3) The owner or operator shall inspect the external floating roof in accordance with the procedures specified as follows:

- A) The owner or operator shall measure the external floating roof seal gaps in accordance with the following requirements:
  - i) The owner or operator shall perform measurements of gaps between the tank wall and the primary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every five years.
  - ii) The owner or operator shall perform measurements of gaps between the tank wall and the secondary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every year.
  - iii) If a tank ceases to hold hazardous waste for a period of one year or more, subsequent introduction of hazardous waste into the tank must be considered an initial operation for the purposes of subsections (f)(3)(A)(i) and (f)(3)(A)(ii) of this Section.
  - iv) The owner or operator shall determine the total surface area of gaps in the primary seal and in the secondary seal individually using the procedure set forth in subsection (f)(4)(D) of this Section.
  - v) In the event that the seal gap measurements do not conform to the specifications in subsection (f)(1)(B) of this Section, the owner or operator must repair the defect in accordance with the requirements of subsection (k) of this Section.
  - vi) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b).
- B) The owner or operator shall visually inspect the external floating roof in accordance with the following requirements:
  - i) The floating roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to any of the following: holes, tears, or other openings in the rim seal or seal fabric of the floating roof; a rim seal detached from the floating roof; all or a portion of the floating roof deck being submerged below ~~of this Section~~ the surface of the liquid in the tank; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.
  - ii) The owner or operator shall perform an initial

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inspection of the external floating roof and its closure devices on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (l) of this Section.

- iii) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.
  - iv) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b).
- C) Prior to each inspection required by subsection (f)(3)(A) or (f)(3)(B) of this Section, the owner or operator shall notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Agency of the date and location of the inspection as follows:
- i) Prior to each inspection to measure external floating roof seal gaps as required under subsection (f)(3)(A) of this Section, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before the date the measurements are scheduled to be performed.
  - ii) Prior to each visual inspection of an external floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before refilling the tank except when an inspection is not planned, as provided for in subsection (f)(3)(C)(iii) of this Section.
  - iii) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the Agency as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Regional Administrator at least seven calendar days before refilling the tank.

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- D) Procedure for determining gaps in the primary seal and in the secondary seal for the purposes of subsection (f)(3)(A)(iv) of this Section:
- i) The seal gap measurements must be performed at one or more floating roof levels when the roof is floating off the roof supports.
  - ii) Seal gaps, if any, must be measured around the entire perimeter of the floating roof in each place where a 0.32-cm (-inch) diameter uniform probe passes freely (without forcing or binding against the seal) between the seal and the wall of the tank and measure the circumferential distance of each such location.
  - iii) For a seal gap measured under this subsection (f)(3), the gap surface area must be determined by using probes of various widths to measure accurately the actual distance from the tank wall to the seal and multiplying each such width by its respective circumferential distance.
  - iv) The total gap area must be calculated by adding the gap surface areas determined for each identified gap location for the primary seal and the secondary seal individually, and then dividing the sum for each seal type by the nominal perimeter of the tank. These total gap areas for the primary seal and secondary seal are then compared to the respective standards for the seal type, as specified in subsection (f)(1)(B) of this Section.

BOARD NOTE: Subsections (f)(3)(D)(i) through (f)(3)(D)(iv) correspond with 40 CFR 265.1085(f)(3)(i)(D)(1) through (f)(3)(i)(D)(4), which the Board has codified here to comport with Illinois Administrative Code format requirements.

- g) The owner or operator that controls air pollutant emissions from a tank by venting the tank to a control device shall meet the requirements specified in subsections (g)(1) through (g)(3) of this Section.

- 1) The tank must be covered by a fixed roof and vented directly through a closed-vent system to a control device in accordance with the following requirements:

- A) The fixed roof and its closure devices must be designed to form a continuous barrier over the entire surface area of the liquid in the tank.
- B) Each opening in the fixed roof not vented to the control device must be equipped with a closure device. If the pressure in the vapor headspace underneath the fixed roof is less than atmospheric pressure when the control device is operating, the closure devices must be designed to operate such that when the closure device is secured in the closed

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position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device. If the pressure in the vapor headspace underneath the fixed roof is equal to or greater than atmospheric pressure when the control device is operating, the closure device must be designed to operate with no detectable organic emissions.

- C) The fixed roof and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices must include the following: organic vapor permeability; the effects of any contact with the liquid and its vapor managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.

- D) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 725.988.

- 2) Whenever a hazardous waste is in the tank, the fixed roof must be installed with each closure device secured in the closed position and the vapor headspace underneath the fixed roof vented to the control device except as follows:

- A) Venting to the control device is not required, and opening of closure devices or removal of the fixed roof is allowed at the following times:

- i) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment.

Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.

- ii) To remove accumulated sludge or other residues from the bottom of a tank.

- B) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

- 3) The owner or operator shall inspect and monitor the air emission control equipment in accordance with the following procedures:

- A) The fixed roof and its closure devices must be visually inspected by the owner or operator to check for defects that



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could result in air pollutant emissions. Defects include, but are not limited to any of the following: visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

B) The closed-vent system and control device must be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 725.988.

C) The owner or operator shall perform an initial inspection of the air emission control equipment on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (l) of this Section.

D) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

E) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(b).

h) The owner or operator that controls air pollutant emissions by using a pressure tank must meet the following requirements.

1) The tank shall be designed not to vent to the atmosphere as a result of compression of the vapor headspace in the tank during filling of the tank to its design capacity.

2) All tank openings must be equipped with closure devices designed to operate with no detectable organic emissions as determined using the procedure specified in Section 725.984(d).

3) Whenever a hazardous waste is in the tank, the tank must be operated as a closed system that does not vent to the atmosphere except in the event that a safety device, as defined in Section 725.981, is required to open to avoid an unsafe condition.

i) The owner or operator that controls air pollutant emissions by using an enclosure vented through a closed-vent system to an enclosed combustion control device shall meet the requirements specified in subsections (i)(1) through (j)(4) of this Section.

1) The tank must be located inside an enclosure. The enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure, as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure. The owner or

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operator shall perform the verification procedure for the enclosure as specified in Section 5.0 to "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" initially when the enclosure is first installed and, thereafter, annually.

2) The enclosure must be vented through a closed-vent system to an enclosed combustion control device that is designed and operated in accordance with the standards for either a vapor incinerator, boiler, or process heater specified in Section 725.988.

3) Safety devices, as defined in Section 725.981, may be installed and operated as necessary on any enclosure, closed-vent system, or control device used to comply with the requirements of subsections (i)(1) and (i)(2) of this Section.

4) The owner or operator shall inspect and monitor the closed-vent system and control device, as specified in Section 725.988.

j) The owner or operator shall transfer hazardous waste to a tank subject to this Section in accordance with the following requirements:

1) Transfer of hazardous waste, except as provided in subsection (j)(2) of this Section, to the tank from another tank subject to this Section or from a surface impoundment subject to Section 725.986 must be conducted using continuous hard-piping or another closed system that does not allow exposure of the hazardous waste to the atmosphere. For the purpose of complying with this provision, an individual drain system is considered to be a closed system when it meets the requirements of 40 CFR 63, subpart RR, "National Emission Standards for Individual Drain Systems", incorporated by reference in 35 Ill. Adm. Code 720.111. The requirements of subsection (j)(1) of this Section do not apply when transferring a hazardous waste to the tank under any of the following conditions:

A) The hazardous waste meets the average VO concentration conditions specified in Section 725.983(c)(1) at the point of waste origination.

B) The hazardous waste has been treated by an organic destruction or removal process to meet the requirements in Section 725.983(c)(2).

k) The owner or operator shall repair each defect detected during an inspection performed in accordance with the requirements of subsections (c)(4), (e)(3), (f)(3), or (g)(3) of this Section as follows:

1) The owner or operator shall make first efforts at repair of the defect no later than five calendar days after detection, and repair shall be completed as soon as possible but no later than 45 calendar days after detection except as provided in subsection (k)(2) of this Section.

2) Repair of a defect may be delayed beyond 45 calendar days if the owner or operator determines that repair of the defect requires employing or temporary removal from service of the tank and no

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alternative tank capacity is available at the site to accept the hazardous waste normally managed in the tank. In this case, the owner or operator shall repair the defect the next time the process or unit that is generating the hazardous waste managed in the tank stops operation. Repair of the defect must be completed before the process or unit resumes operation.

- 1) Following the initial inspection and monitoring of the cover as required by the applicable provisions of this Subpart, subsequent inspection and monitoring may be performed at intervals longer than one year under the following special conditions:

- 1) Where inspecting or monitoring the cover would expose a worker to dangerous, hazardous, or other unsafe conditions, then the owner or operator may designate a cover as an "unsafe to inspect and monitor cover" and comply with all of the following requirements:

- A) Prepare a written explanation for the cover stating the reasons why the cover is unsafe to visually inspect or to monitor, if required.
- B) Develop and implement a written plan and schedule to inspect and monitor the cover, using the procedures specified in the applicable Section of this Subpart, as frequently as practicable during those times when a worker can safely access the cover.

- 2) In the case when a tank is buried partially or entirely underground, an owner or operator is required to inspect and monitor, as required by the applicable provisions of this Section, only those portions of the tank cover and those connections to the tank (e.g., fill ports, access hatches, gauge wells, etc.) that are located on or above the ground surface.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 725.986 Standards: Surface Impoundments

- a) The provisions of this Section apply to the control of air pollutant emissions from surface impoundments for which Section 725.983(b) of this Subpart references the use of this Section for such air emission control.
- b) The owner or operator shall control air pollutant emissions from the surface impoundment by installing and operating either of the following:
  - 1) A floating membrane cover in accordance with the provisions specified in subsection (c) of this Section; or
  - 2) A cover that is vented through a closed-vent system to a control device in accordance with the provisions specified in subsection (d) of this Section.
- c) The owner or operator that controls air pollutant emissions from a surface impoundment using a floating membrane cover must meet the

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requirements specified in subsections (c)(1) through (c)(3) of this Section.

- 1) The surface impoundment must be equipped with a floating membrane cover designed to meet the following specifications:

- A) The floating membrane cover must be designed to float on the liquid surface during normal operations and form a continuous barrier over the entire surface area of the liquid.

- B) The cover must be fabricated from a synthetic membrane material that is either:

- i) High density polyethylene (HDPE) with a thickness no less than 2.5 millimeters (mm) (0.10 inch); or

- ii) A material or a composite of different materials determined to have both organic permeability properties that are equivalent to those of the material listed in subsection (c)(1)(B)(i) of this Section and chemical and physical properties that maintain the material integrity for the intended service life of the material.

- C) The cover must be installed in a manner such that there are no visible cracks, holes, gaps, or other open spaces between cover section seams or between the interface of the cover edge and its foundation mountings.

- D) Except as provided for in subsection (c)(1)(E) of this Section, each opening in the floating membrane cover must be equipped with a closure device so designed as to operate that when that the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device.

- E) The floating membrane cover may be equipped with one or more emergency cover drains for removal of stormwater. Each emergency cover drain must be equipped with a slotted membrane fabric cover that covers at least 90% of the area of the opening or a flexible fabric sleeve seal.

- F) The closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the closure devices throughout their intended service life. Factors to be considered when selecting the materials of construction and designing the cover and closure devices must include the following: the organic vapor permeability; the effects of any contact with the liquid and its vapor managed in the surface impoundment; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the surface impoundment on which the floating membrane cover is installed.

- 2) Whenever a hazardous waste is in the surface impoundment, the



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floating membrane cover must float on the liquid and each closure device must be secured in the closed position except as follows:

- A) Opening of closure devices or removal of the cover is allowed at the following times:
  - i) To provide access to the surface impoundment for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample the liquid in the surface impoundment, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly replace the cover and secure the closure device in the closed position, as applicable.
  - ii) To remove accumulated sludge or other residues from the bottom of surface impoundment.
- B) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.
- 3) The owner or operator shall inspect the floating membrane cover in accordance with the following procedures:
  - A) The floating membrane cover and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the cover section seams or between the interface of the cover edge and its foundation mountings; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.
  - B) The owner or operator shall perform an initial inspection of the floating membrane cover and its closure devices on or before the date that the surface impoundment becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (g) of this Section.
  - C) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (f) of this Section.
  - D) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(c).
  - d) The owner or operator that controls air pollutant emissions from a surface impoundment using a cover vented to a control device shall meet the requirements specified in subsections (d)(1) through (d)(3) of this Section.
    - 1) The surface impoundment must be covered by a cover and vented

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directly through a closed-vent system to a control device in accordance with the following requirements:

- A) The cover and its closure devices must be designed to form a continuous barrier over the entire surface area of the liquid in the surface impoundment.
- B) Each opening in the cover not vented to the control device must be equipped with a closure device. If the pressure in the vapor headspace underneath the cover is less than atmospheric pressure when the control device is operating, the closure devices must be designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device. If the pressure in the vapor headspace underneath the cover is equal to or greater than atmospheric pressure when the control device is operating, the closure device must be designed to operate with no detectable organic emissions using the procedure specified in Section 725.984(d).
- C) The cover and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the cover and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the cover and closure devices must include the following: the organic vapor permeability; the effects of any contact with the liquid or its vapors managed in the surface impoundment; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the surface impoundment on which the cover is installed.
- D) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 725.988.
- 2) Whenever a hazardous waste is in the surface impoundment, the cover must be installed with each closure device secured in the closed position and the vapor headspace underneath the cover vented to the control device except as follows:
  - A) Venting to the control device is not required, and opening of closure devices or removal of the cover is allowed at the following times:
    - i) To provide access to the surface impoundment for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample liquid in the surface impoundment, or when a worker needs to open a hatch to



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maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the surface impoundment.

- ii) To remove accumulated sludge or other residues from the bottom of surface impoundment.

B) Opening of a safety device, as defined in Section 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

3) The owner or operator shall inspect and monitor the air emission control equipment in accordance with the following procedures:

A) The surface impoundment cover and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the cover section seams or between the interface of the cover edge and its foundation mountings; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

B) The closed-vent system and control device must be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 725.988.

C) The owner or operator shall perform an initial inspection of the air emission control equipment on or before the date that the surface impoundment becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (g) of this Section.

D) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (f) of this Section.

E) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 725.990(c).

e) The owner or operator shall transfer hazardous waste to a surface impoundment subject to this Section in accordance with the following requirements:

- 1) Transfer of hazardous waste, except as provided in subsection (e)(2) of this Section, to the surface impoundment from another surface impoundment subject to this Section or from a tank subject to Section 725.985 must be conducted using continuous hard-piping or another closed system that does not allow exposure of the waste to the atmosphere. For the purpose of complying with this provision, an individual drain system is considered to be a closed system when it meets the requirements of 40 CFR 63,

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Subpart RR, "National Emission Standards for Individual Drain Systems", incorporated by reference in 35 Ill. Adm. Code 720.111. The requirements of subsection (e)(1) of this Section do not apply when transferring a hazardous waste to the surface impoundment under either of the following conditions:

A) The hazardous waste meets the average VO concentration conditions specified in Section 725.983(c)(1) at the point of waste origination.

B) The hazardous waste has been treated by an organic destruction or removal process to meet the requirements in Section 725.983(c)(2).

f) The owner or operator shall repair each defect detected during an inspection performed in accordance with the requirements of subsection (c)(3) or (d)(3) of this Section as follows:

- 1) The owner or operator shall make first efforts at repair of the defect no later than five calendar days after detection, and repair must be completed as soon as possible but no later than 45 calendar days after detection except as provided in subsection (f)(2) of this Section.

2) Repair of a defect may be delayed beyond 45 calendar days if the owner or operator determines that repair of the defect requires emptying or temporary removal from service of the surface impoundment and no alternative capacity is available at the site to accept the hazardous waste normally managed in the surface impoundment. In this case, the owner or operator shall repair the defect the next time the process or unit that is generating the hazardous waste managed in the tank stops operation. Repair of the defect must be completed before the process or unit resumes operation.

g) Following the initial inspection and monitoring of the cover as required by the applicable provisions of this Subpart, subsequent inspection and monitoring may be performed at intervals longer than one year in the case when inspecting or monitoring the cover would expose a worker to dangerous, hazardous, or other unsafe conditions. In this case, the owner or operator may designate the cover as an "unsafe to inspect and monitor cover" and comply with all of the following requirements:

- 1) Prepare a written explanation for the cover stating the reasons why the cover is unsafe to visually inspect or to monitor, if required.

2) Develop and implement a written plan and schedule to inspect and monitor the cover using the procedures specified in the applicable Section of this Subpart as frequently as practicable during those times when a worker can safely access the cover.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## Section 725.988 Standards: Closed-Vent vent Systems and Control Devices

a) This Section applies to each closed-vent system and control device installed and operated by the owner or operator to control air emissions in accordance with standards of this Subpart.

b) The closed-vent system must meet the following requirements:

- 1) The closed-vent system must route the gases, vapors, and fumes emitted from the hazardous waste in the waste management unit to a control device that meets the requirements specified in subsection (c) of this Section.

- 2) The closed-vent system must be designed and operated in accordance with the requirements specified in Section 725.933(j).

- 3) When the closed-vent system includes bypass devices that could be used to divert the gas or vapor stream to the atmosphere before entering the control device, each bypass device must be equipped with either a flow indicator as specified in subsection (b)(3)(A) of this Section or a seal or locking device as specified in subsection (b)(3)(B) of this Section. For the purpose of complying with this subsection, low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, spring-loaded pressure relief valves, and other fittings used for safety purposes are not considered to be bypass devices.

A) If a flow indicator is used to comply with this subsection (b)(3), the indicator must be installed at the inlet to the bypass line used to divert gases and vapors from the closed-vent system to the atmosphere at a point upstream of the control device inlet. For the purposes of this subsection, a flow indicator means a device which indicates the presence of either gas or vapor flow in the bypass line.

B) If a seal or locking device is used to comply with this subsection (b)(3), the device must be placed on the mechanism by which the bypass device position is controlled (e.g., valve handle or damper lever) when the bypass device is in the closed position such that the bypass device cannot be opened without breaking the seal or removing the lock. Examples of such devices include, but are not limited to, a car-seal or a lock-and-key configuration valve. The owner or operator shall visually inspect the seal or closure mechanism at least once every month to verify that the bypass mechanism is maintained in the closed position.

- 4) The closed-vent system must be inspected and monitored by the owner or operator in accordance with the procedure specified in Section 725.933(k).

c) The control device must meet the following requirements:

- 1) The control device must be one of the following devices:

A) A control device designed and operated to reduce the total organic content of the inlet vapor stream vented to the control device by at least 95% by weight;

- B) An enclosed combustion device designed and operated in accordance with the requirements of Section 725.933(c); or
- C) A flare designed and operated in accordance with the requirements of Section 725.933(d).

2) The owner or operator that elects to use a closed-vent system and control device to comply with the requirements of this Section shall comply with the requirements specified in subsections (c)(2)(A) through (c)(2)(G) of this Section.

- A) Periods of planned routine maintenance of the control device, during which the control device does not meet the specifications of subsection **subsections** (c)(1)(A), (c)(1)(B), or (c)(1)(C) of this Section, as applicable, must not exceed 240 hours per year.

- B) The specifications and requirements in subsections (c)(1)(A), (c)(1)(B), and (c)(1)(C) of this Section for control devices do not apply during periods of planned routine maintenance.

- C) The specifications and requirements in subsections (c)(1)(A), (c)(1)(B), and (c)(1)(C) of this Section for control devices do not apply during a control device system malfunction.

- D) The owner or operator shall demonstrate compliance with the requirements of subsection (c)(2)(A) of this Section (i.e., planned routine maintenance of a control device, during which the control device does not meet the specifications of subsection **subsections** (c)(1)(A), (c)(1)(B), or (c)(1)(C) of this Section, as applicable, must not exceed 240 hours per year) by recording the information specified in Section 725.990(e)(1)(E).

- E) The owner or operator shall correct control device system malfunctions as soon as practicable after their occurrence in order to minimize excess emissions of air pollutants.

- F) The owner or operator shall operate the closed-vent system so that gases, vapors, or fumes are not actively vented to the control device during periods of planned maintenance or control device system malfunction (i.e., periods when the control device is not operating or not operating normally), except in cases when it is necessary to vent the gases, vapors, or fumes to avoid an unsafe condition or to implement malfunction corrective actions or planned maintenance actions.

- 3) The owner or operator using a carbon adsorption system to comply with subsection (c)(1) of this Section shall operate and maintain the control device in accordance with the following requirements:
  - A) Following the initial startup of the control device, all activated carbon in the control device must be replaced with fresh carbon on a regular basis in accordance with the requirements of Section 725.933(g) or 725.933(h).

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- B) All carbon removed from the control device must be managed in accordance with the requirements of Section 725.933(m).
- 4) An owner or operator using a control device other than a thermal vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system to comply with subsection (c)(1) of this Section shall operate and maintain the control device in accordance with the requirements of Section 725.933(i).
- 5) The owner or operator shall demonstrate that a control device achieves the performance requirements of subsection (c)(1) of this Section as follows:
- An owner or operator shall demonstrate using either a performance test, as specified in subsection (c)(5)(C) of this Section, or a design analysis, as specified in subsection (c)(5)(D) of this Section, the performance of each control device except for the following:
    - A flare;
    - A boiler or process heater with a design heat input capacity of 44 megawatts or greater;
    - A boiler or process heater into which the vent stream is introduced with the primary fuel;
    - A boiler or industrial furnace burning hazardous waste for which the owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 and has designed and operates in accordance with the requirements of 35 Ill. Adm. Code 726.Subpart H; or
    - A boiler or industrial furnace burning hazardous waste for which the owner or operator has designed and operates in accordance with the interim status requirements of 35 Ill. Adm. Code 726.Subpart H.

- B) An owner or operator shall demonstrate the performance of each flare in accordance with the requirements specified in Section 725.933(e).
- C) For a performance test conducted to meet the requirements of subsection (c)(5)(A) of this Section, the owner or operator shall use the test methods and procedures specified in Section 725.934(c)(1) through (c)(4).
- D) For a design analysis conducted to meet the requirements of subsection (c)(5)(A) of this Section, the design analysis must meet the requirements specified in Section 725.935(b)(4)(C).
- E) The owner or operator shall demonstrate that a carbon adsorption system achieves the performance requirements of subsection (c)(1) of this Section based on the total quantity of organics vented to the atmosphere from all carbon adsorption system equipment that is used for organic adsorption, organic desorption or carbon regeneration, organic recovery, and carbon disposal.
- 6) If the owner or operator and the Agency do not agree on a

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demonstration of control device performance using a design analysis, then the disagreement must be resolved using the results of a performance test performed by the owner or operator in accordance with the requirements of subsection (c)(5)(C) of this Section. The Agency may choose to have an authorized representative observe the performance test.

- 7) The control device must be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 725.933725-1033(f)(2) and (k). The readings from each monitoring device required by Section 725.933725-1033(f)(2) must be inspected at least once each operating day to check control device operation. Any necessary corrective measures must be immediately implemented to ensure the control device is operated in compliance with the requirements of this Section.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 725.989 Inspection and Monitoring Requirements

- The owner or operator shall inspect and monitor air emission control equipment used to comply with this Subpart in accordance with the requirements specified in Sections 725.985 through 725.988.
- The owner or operator shall develop and implement a written plan and schedule to perform the inspections and monitoring required by subsection (a) of this Section. The owner or operator shall incorporate this plan and schedule into the facility inspection plan required under Section 725.115 265-115.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 725.990 Recordkeeping Requirements

- Each owner or operator of a facility subject to requirements in this Subpart shall record and maintain the information specified in subsections (b) through (i) of this Section, as applicable to the facility. Except for air emission control equipment design documentation and information required by subsection (i) of this Section, records required by this Section must be maintained in the operating record for a minimum of three years. Air emission control equipment design documentation must be maintained in the operating record until the air emission control equipment is replaced or is otherwise no longer in service. Information required by subsection (i) of this Section must be maintained in the operating record for as long as the tank or container is not using air emission controls specified in Sections 724.984 264-904 through 724.987 264-907, in accordance with the conditions specified in Section 724.984(d).



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- b) The owner or operator of a tank using air emission controls in accordance with the requirements of Section 725.985 shall prepare and maintain records for the tank that include the following information:
  - 1) For each tank using air emission controls in accordance with the requirements of Section 725.985 of this Subpart, the owner or operator shall record:
    - A) A tank identification number (or other unique identification description as selected by the owner or operator).
    - B) A record for each inspection required by Section 725.985 that includes the following information:
      - i) Date inspection was conducted.
      - ii) For each defect detected during the inspection, the following information: the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the provisions of Section 725.985, the owner or operator shall also record the reason for the delay and the date that completion of repair of the defect is expected.
  - 2) In addition to the information required by subsection (b)(1) of this Section, the owner or operator shall record the following information, as applicable to the tank:
    - A) The owner or operator using a fixed roof to comply with the Tank Level 1 control requirements specified in Section 725.985(c) shall prepare and maintain records for each determination for the maximum organic vapor pressure of the hazardous waste in the tank performed in accordance with the requirements of Section 725.985(c). The records must include the date and time the samples were collected, the analysis method used, and the analysis results.
    - B) The owner or operator using an internal floating roof to comply with the Tank Level 2 control requirements specified in Section 725.985(e) shall prepare and maintain documentation describing the floating roof design. Owners and operators using an external floating roof to comply with the Tank Level 2 control requirements specified in Section 725.985(f) shall prepare and maintain the following records:
      - i) Documentation describing the floating roof design and the dimensions of the tank.
      - ii) Records for each seal gap inspection required by Section 725.985(f)(3) describing the results of the seal gap measurements. The records must include the date that the measurements were performed, the raw data obtained for the measurements, and the calculations of the total gap surface area. In the event that the seal gap measurements do not conform to
- c) The specifications in Section 725.985(f)(1), the records must include a description of the repairs that were made, the date the repairs were made, and the date the tank was emptied, if necessary.
  - D) Each owner or operator using an enclosure to comply with the Tank Level 2 control requirements specified in Section 725.985(i) shall prepare and maintain the following records:
    - i) Records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, Appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111.
    - ii) Records required for the closed-vent system and control device in accordance with the requirements of subsection (e) of this Section.
- e) The owner or operator of a surface impoundment using air emission controls in accordance with the requirements of Section 725.986 shall prepare and maintain records for the surface impoundment that include the following information:
  - 1) A surface impoundment identification number (or other unique identification description as selected by the owner or operator).
  - 2) Documentation describing the floating membrane cover or cover design, as applicable to the surface impoundment, that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the specifications listed in Section 725.986(c).
  - 3) A record for each inspection required by Section 725.986 that includes the following information:
    - A) Date inspection was conducted.
    - B) For each defect detected during the inspection the following information: the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the provisions of Section 725.986(f), the owner or operator shall also record the reason for the delay and the date that completion of repair of the defect is expected.
  - 4) For a surface impoundment equipped with a cover and vented through a closed-vent system to a control device, the owner or operator shall prepare and maintain the records specified in subsection (e) of this Section.
  - d) The owner or operator of containers using Container Level 3 air emission controls in accordance with the requirements of Section 725.987 shall prepare and maintain records that include the following

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## information:

- 1) Records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111.
- 2) Records required for the closed-vent system and control device in accordance with the requirements of subsection (e) of this Section.
- e) The owner or operator using a closed-vent system and control device in accordance with the requirements of Section 725.988 shall prepare and maintain records that include the following information:
  - 1) Documentation for the closed-vent system and control device that includes:
    - A) Certification that is signed and dated by the owner or operator stating that the control device is designed to operate at the performance level documented by a design analysis as specified in subsection (e)(1)(B) of this Section or by performance tests as specified in subsection (e)(1)(C) of this Section when the tank, surface impoundment, or container is or would be operating at capacity or the highest level reasonably expected to occur.
    - B) If a design analysis is used, then design documentation, as specified in Section 725.935 725-935(b)(4). The documentation must include information prepared by the owner or operator or provided by the control device manufacturer or vendor that describes the control device design in accordance with Section 725.935 725-935(b)(4)(C) and certification by the owner or operator that the control equipment meets the applicable specifications.
    - C) If performance tests are used, then a performance test plan as specified in Section 725.935 265-935(b)(3) and all test results.
    - D) Information as required by Section 725.935(c)(1) 40--EPR 265-935(e)(1) and Section 725-935(c)(2), as applicable.
    - E) An owner or operator shall record, on a semiannual basis, the information specified in subsections (e)(1)(E)(i) and (e)(1)(E)(ii) of this Section for those planned routine maintenance operations that would require the control device not to meet the requirements of Section 725.988(c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable.
      - i) A description of the planned routine maintenance that is anticipated to be performed for the control device during the next six-month period. This description must include the type of maintenance necessary, planned frequency of maintenance, and lengths of maintenance periods.

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- ii) A description of the planned routine maintenance that was performed for the control device during the previous six-month period. This description must include the type of maintenance performed and the total number of hours during those six months that the control device did not meet the requirements of Section 725.988(c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable, due to planned routine maintenance.
- F) An owner or operator shall record the information specified in subsections (e)(1)(F)(i) through (e)(1)(F)(iii) of this Section for those unexpected control device system malfunctions that would require the control device not to meet the requirements of Section 725.988(c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable.
  - i) The occurrence and duration of each malfunction of the control device system.
  - ii) The duration of each period during a malfunction when gases, vapors, or fumes are vented from the waste management unit through the closed-vent system to the control device while the control device is not properly functioning.
  - iii) Actions taken during periods of malfunction to restore a malfunctioning control device to its normal or usual manner of operation.
- G) Records of the management of carbon removed from a carbon adsorption system conducted in accordance with Section 725.988(c)(3)(B).
  - f) The owner or operator of a tank, surface impoundment, or container exempted from standards in accordance with the provisions of Section 725.983(c) of this Subpart shall prepare and maintain the following records, as applicable:
    - 1) For tanks, surface impoundments, or containers exempted under the hazardous waste organic concentration conditions specified in Section 725.983(c)(1) or (c)(2) of this Subpart, the owner or operator shall record the information used for each waste determination (e.g., test results, measurements, calculations, and other documentation) in the facility operating log. If analysis results for waste samples are used for the waste determination, then the owner or operator shall record the date, time, and location that each waste sample is collected in accordance with applicable requirements of Section 725.984 of this Subpart.
    - 2) For tanks, surface impoundments, or containers exempted under the provisions of Section 725.983(c)(2)(G)(ii) or Section 725.983(c)(2)(H)(ii) of this Subpart, the owner or operator shall record the identification number for the incinerator, boiler, or industrial furnace in which the hazardous waste is treated.
  - g) An owner or operator designating a cover as "unsafe to inspect and



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monitor" pursuant to Section 725.985(1) shall record in a log that is kept in the facility operating record the following information: the identification numbers for waste management units with covers that are designated as "unsafe to inspect and monitor", the explanation for each cover stating why the cover is unsafe to inspect and monitor, and the plan and schedule for inspecting and monitoring each cover.

- h) The owner or operator of a facility that is subject to this Subpart and to the control device standards in 40 CFR 60, Subpart VV, or 40 CFR 61, Subpart V, incorporated by reference in 35 Ill. Adm. Code 270.111, may elect to demonstrate compliance with the applicable Sections of this Subpart by documentation either pursuant to this Subpart, or pursuant to the provisions of 40 CFR 60, Subpart VV or 40 CFR 61, Subpart V, to the extent that the documentation required by 40 CFR 60 or 61 duplicates the documentation required by this Section.

- i) For each tank or container not using air emission controls specified in Sections 725.985 through 725.988 in accordance with the conditions specified in Section 725.980(d), the owner or operator shall record and maintain the following information:

- 1) A list of the individual organic peroxide compounds manufactured at the facility that meet the conditions specified in Section 725.980(d)(1).
- 2) A description of how the hazardous waste containing the organic peroxide compounds identified pursuant to subsection (i)(1) are managed at the facility in tanks and containers. This description must include the following information:

- A) For the tanks used at the facility to manage this hazardous waste, sufficient information must be provided to describe each tank: a facility identification number for the tank, the purpose and placement of this tank in the management train of this hazardous waste, and the procedure used to ultimately dispose of the hazardous waste managed in the tanks.

- B) For containers used at the facility to manage this hazardous waste, sufficient information must be provided to describe the following for each container: a facility identification number for the container or group of containers; the purpose and placement of this container or group of containers in the management train of this hazardous waste; and the procedures used to ultimately dispose of the hazardous waste handled in the containers.

- 3) An explanation of why managing the hazardous waste containing the organic peroxide compounds identified pursuant to subsection (i)(1) of this Section in the tanks or containers identified pursuant to subsection (i)(2) of this Section would create an undue safety hazard if the air emission controls specified in Sections 725.985 through 725.988 were installed and operated on these waste management units. This explanation must include the following information:

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- A) For tanks used at the facility to manage this hazardous waste, sufficient information must be provided to explain: how use of the required air emission controls on the tanks would affect the tank design features and facility operating procedures currently used to prevent an undue safety hazard during the management of this hazardous waste in the tanks; and why installation of safety devices on the required air emission controls, as allowed under this Subpart, would not address those situations in which evacuation of tanks equipped with these air emission controls is necessary and consistent with good engineering and safety practices for handling organic peroxides.

- B) For containers used at the facility to manage this hazardous waste, sufficient information must be provided to explain: how use of the required air emission controls on the containers would affect the container design features and handling procedures currently used to prevent an undue safety hazard during management of this hazardous waste in the containers; and why installation of safety devices on the required air emission controls, as allowed under this Subpart, would not address those situations in which evacuation of containers equipped with these air emission controls is necessary and consistent with good engineering and safety practices for handling organic peroxides.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 725.990 Recordkeeping Requirements

- a) Each owner or operator of a facility subject to requirements in this Subpart shall record and maintain the information specified in subsections (b) through (i) of this Section, as applicable to the facility. Except for air emission control equipment design documentation and information required by subsection (i) of this Section, records required by this Section must be maintained in the operating record for a minimum of three years. Air emission control equipment design documentation must be maintained in the operating record until the air emission control equipment is replaced or is otherwise no longer in service. Information required by subsection (i) of this Section must be maintained in the operating record for as long as the tank or container is not using air emission controls specified in Sections 264.984 through 264.987, in accordance with the conditions specified in Section 724.984(d).
- b) The owner or operator of a tank using air emission controls in accordance with the requirements of Section 725.985 shall prepare and maintain records for the tank that include the following information:
- 1) For each tank using air emission controls in accordance with the



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requirements of Section 725.985 of this Subpart, the owner or operator shall record:

- A) A tank identification number (or other unique identification description as selected by the owner or operator).
- B) A record for each inspection required by Section 725.985 that includes the following information:
  - i) Date inspection was conducted.
  - ii) For each defect detected during the inspection, the following information: the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the provisions of Section 725.985, the owner or operator shall also record the reason for the delay and the date that completion of repair of the defect is expected.

2) In addition to the information required by subsection (b)(1) of this Section, the owner or operator shall record the following information, as applicable to the tank:

- A) The owner or operator using a fixed roof to comply with the Tank Level 1 control requirements specified in Section 725.985(c) shall prepare and maintain records for each determination for the maximum organic vapor pressure of the hazardous waste in the tank performed in accordance with the requirements of Section 725.985(c). The records must include the date and time the samples were collected, the analysis method used, and the analysis results.
- B) The owner or operator using an internal floating roof to comply with the Tank Level 2 control requirements specified in Section 725.985(e) shall prepare and maintain documentation describing the floating roof design.
- C) Owners and operators using an external floating roof to comply with the Tank Level 2 control requirements specified in Section 725.985(f) shall prepare and maintain the following records:
  - i) Documentation describing the floating roof design and the dimensions of the tank.
  - ii) Records for each seal gap inspection required by Section 725.985(f)(3) describing the results of the seal gap measurements. The records must include the date that the measurements were performed, the raw data obtained for the measurements, and the calculations of the total gap surface area. In the event that the seal gap measurements do not conform to the specifications in Section 725.985(f)(1), the records must include a description of the repairs that were made, the date the repairs were made, and the date the tank was emptied, if necessary.

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D) Each owner or operator using an enclosure to comply with the Tank Level 2 control requirements specified in Section 725.985(i) shall prepare and maintain the following records:

- i) Records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure as specified in "Procedure T-Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111.

- ii) Records required for the closed-vent system and control device in accordance with the requirements of subsection (e) of this Section.

c) The owner or operator of a surface impoundment using air emission controls in accordance with the requirements of Section 725.986 shall prepare and maintain records for the surface impoundment that include the following information:

- 1) A surface impoundment identification number (or other unique identification description as selected by the owner or operator).
- 2) Documentation describing the floating membrane cover or cover design, as applicable to the surface impoundment, that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the specifications listed in Section 725.986(c).
- 3) A record for each inspection required by Section 725.986 that includes the following information:
  - A) Date inspection was conducted.
  - B) For each defect detected during the inspection the following information: the location of the defect, a description of the defect, the date of detection, and corrective action taken to repair the defect. In the event that repair of the defect is delayed in accordance with the provisions of Section 725.986(f), the owner or operator shall also record the reason for the delay and the date that completion of repair of the defect is expected.

- 4) For a surface impoundment equipped with a cover and vented through a closed-vent system to a control device, the owner or operator shall prepare and maintain the records specified in subsection (e) of this Section.

d) The owner or operator of containers using Container Level 3 air emission controls in accordance with the requirements of Section 725.987 shall prepare and maintain records that include the following information:

- 1) Records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure as specified in

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"Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111.

- 2) Records required for the closed-vent system and control device in accordance with the requirements of subsection (e) of this Section.

- e) The owner or operator using a closed-vent system and control device in accordance with the requirements of Section 725.988 shall prepare and maintain records that include the following information:

- 1) Documentation for the closed-vent system and control device that includes:

- A) Certification that is signed and dated by the owner or operator stating that the control device is designed to operate at the performance level documented by a design analysis as specified in subsection (e)(1)(B) of this Section or by performance tests as specified in subsection (e)(1)(C) of this Section when the tank, surface impoundment, or container is or would be operating at capacity or the highest level reasonably expected to occur.

- B) If a design analysis is used, then design documentation, as specified in Section 725.1035(b)(4). The documentation must include information prepared by the owner or operator or provided by the control device manufacturer or vendor that describes the control device design in accordance with Section 725.1035(b)(4)(C) and certification by the owner or operator that the control equipment meets the applicable specifications.

- C) If performance tests are used, then a performance test plan as specified in Section 265.935(b)(3) and all test results.

- D) Information as required by 40 CFR 265.1035(c)(1) and Section 725.935(c)(2), as applicable.

- E) An owner or operator shall record, on a semiannual basis, the information specified in subsections (e)(1)(E)(i) and (e)(1)(E)(ii) of this Section for those planned routine maintenance operations that would require the control device not to meet the requirements of Section 725.988(c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable.

- i) A description of the planned routine maintenance that is anticipated to be performed for the control device during the next six-month period. This description must include the type of maintenance necessary, planned frequency of maintenance, and lengths of maintenance periods.

- ii) A description of the planned routine maintenance that was performed for the control device during the previous six-month period. This description must include the type of maintenance performed and the total number of hours during those six months that the

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control device did not meet the requirements of Section 725.988(c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable, due to planned routine maintenance.

- F) An owner or operator shall record the information specified in subsections (e)(1)(F)(i) through (e)(1)(F)(iii) of this Section for those unexpected control device system malfunctions that would require the control device not to meet the requirements of Section 725.988(c)(1)(A), (c)(1)(B), or (c)(1)(C), as applicable.

- i) The occurrence and duration of each malfunction of the control device system.

- ii) The duration of each period during a malfunction when gases, vapors, or fumes are vented from the waste management unit through the closed-vent system to the control device while the control device is not properly functioning.

- iii) Actions taken during periods of malfunction to restore a malfunctioning control device to its normal or usual manner of operation.

- G) Records of the management of carbon removed from a carbon adsorption system conducted in accordance with Section 725.988(c)(3)(B).

- f) The owner or operator of a tank, surface impoundment, or container exempted from standards in accordance with the provisions of Section 725.983(c) of this Subpart shall prepare and maintain the following records, as applicable:

- 1) For tanks, surface impoundments, or containers exempted under the hazardous waste organic concentration conditions specified in Section 725.983(c)(1) or (c)(2) of this Subpart, the owner or operator shall record the information used for each waste determination (e.g., test results, measurements, calculations, and other documentation) in the facility operating log. If analysis results for waste samples are used for the waste determination, then the owner or operator shall record the date, time, and location that each waste sample is collected in accordance with applicable requirements of Section 725.984 of this Subpart.

- 2) For tanks, surface impoundments, or containers exempted under the provisions of Section 725.983(c)(2)(Gvii) or Section 725.983(c)(2)(Hviii) of this Subpart, the owner or operator shall record the identification number for the incinerator, boiler, or industrial furnace in which the hazardous waste is treated.

- g) An owner or operator designating a cover as "unsafe to inspect and monitor" pursuant to Section 725.985(1) shall record in a log that is kept in the facility operating record the following information: the identification numbers for waste management units with covers that are designated as "unsafe to inspect and monitor", the explanation for each cover stating why the cover is unsafe to inspect and monitor, and



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- the plan and schedule for inspecting and monitoring each cover.
- h) The owner or operator of a facility that is subject to this Subpart and to the control device standards in 40 CFR 60, Subpart VV, or 40 CFR 61, Subpart V, incorporated by reference in 35 Ill. Adm. Code 270.111, may elect to demonstrate compliance with the applicable Sections of this Subpart by documentation either pursuant to this Subpart, or pursuant to the provisions of 40 CFR 60, Subpart VV or 40 CFR 61, Subpart V, to the extent that the documentation required by 40 CFR 60 or 61 duplicates the documentation required by this Section.
- i) For each tank or container not using air emission controls specified in Sections 725.985 through 725.988 in accordance with the conditions specified in Section 725.980(d), the owner or operator shall record and maintain the following information:

- 1) A list of the individual organic peroxide compounds manufactured at the facility that meet the conditions specified in Section 725.980(d)(1).
- 2) A description of how the hazardous waste containing the organic peroxide compounds identified pursuant to subsection (i)(1) are managed at the facility in tanks and containers. This description must include the following information:
  - A) For the tanks used at the facility to manage this hazardous waste, sufficient information must be provided to describe each tank: a facility identification number for the tank, the purpose and placement of this tank in the management train of this hazardous waste, and the procedure used to ultimately dispose of the hazardous waste managed in the tanks.
  - B) For containers used at the facility to manage this hazardous waste, sufficient information must be provided to describe the following for each container: a facility identification number for the container or group of containers; the purpose and placement of this container or group of containers in the management train of this hazardous waste; and the procedures used to ultimately dispose of the hazardous waste handled in the containers.
- 3) An explanation of why managing the hazardous waste containing the organic peroxide compounds identified pursuant to subsection (i)(1) of this Section in the tanks or containers identified pursuant to subsection (i)(2) of this Section would create an undue safety hazard if the air emission controls specified in Sections 725.985 through 725.988 were installed and operated on these waste management units. This explanation must include the following information:
  - A) For tanks used at the facility to manage this hazardous waste, sufficient information must be provided to explain: how use of the required air emission controls on the tanks would affect the tank design features and facility operating procedures currently used to prevent an undue safety hazard

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during the management of this hazardous waste in the tanks; and why installation of safety devices on the required air emission controls, as allowed under this Subpart, would not address those situations in which evacuation of tanks equipped with these air emission controls is necessary and consistent with good engineering and safety practices for handling organic peroxides.

- B) For containers used at the facility to manage this hazardous waste, sufficient information must be provided to explain: how use of the required air emission controls on the containers would affect the container design features and handling procedures currently used to prevent an undue safety hazard during management of this hazardous waste in the containers; and why installation of safety devices on the required air emission controls, as allowed under this Subpart, would not address those situations in which evacuation of containers equipped with these air emission controls is necessary and consistent with good engineering and safety practices for handling organic peroxides.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**SUBPART EE: HAZARDOUS WASTE MUNITIONS AND EXPLOSIVES STORAGE****Section 725.1200 Applicability**

The requirements of this Subpart EE apply to owners or operators who store munitions and explosive hazardous wastes, except as Section 725.101 provides otherwise.

**BOARD NOTE:** Depending on explosive hazards, hazardous waste munitions and explosives may also be managed in other types of storage units, including containment buildings (Subpart DD of this Part), tanks (Subpart J of this Part), or containers (Subpart I of this Part); see 35 Ill. Adm. Code 726.305 for storage of waste military munitions.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 725.1201 Design and Operating Standards**

- a) An owner or operator of a hazardous waste munitions and explosives storage unit shall design and operate the unit with containment systems, controls, and monitoring that fulfill each of the following requirements:

- 1) The owner or operator minimizes the potential for detonation or other means of release of hazardous waste, hazardous



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constituents, hazardous decomposition products, or contaminated run-off to the soil, ground water, surface water, and atmosphere; The owner or operator provides a primary barrier, which may be a container (including a shell) or tank, designed to contain the hazardous waste;

3) For wastes stored outdoors, the owner or operator provides that the waste and containers will not be in standing precipitation;

4) For liquid wastes, the owner or operator provides a secondary containment system that assures that any released liquids are contained and promptly detected and removed from the waste area or a vapor detection system that assures that any released liquids or vapors are promptly detected and an appropriate response taken (e.g., additional containment, such as overpacking or removal from the waste area); and

5) The owner or operator provides monitoring and inspection procedures that assure the controls and containment systems are working as designed and that releases that may adversely impact human health or the environment are not escaping from the unit.

b) Hazardous waste munitions and explosives stored under this Subpart EE may be stored in one of the following:

1) Earth-covered magazines. The owner or operator of an earth-covered magazine shall fulfill each of the following requirements:

A) The magazine is constructed of waterproofed, reinforced concrete or structural steel arches, with steel doors that are kept closed when not being accessed;

B) The magazine is so designed and constructed that it fulfills each of the following requirements:

i) The magazine is of sufficient strength and thickness to support the weight of any explosives or munitions stored and any equipment used in the unit;

ii) The magazine provides working space for personnel and equipment in the unit; and

iii) The magazine can withstand movement activities that occur in the unit; and

C) The magazine is located and designed, with walls and earthen covers that direct an explosion in the unit in a safe direction, so as to minimize the propagation of an explosion to adjacent units and to minimize other effects of any explosion.

2) Above-ground magazines. Above-ground magazines must be located and designed so as to minimize the propagation of an explosion to adjacent units and to minimize other effects of any explosion.

3) Outdoor or open storage areas. Outdoor or open storage areas must be located and designed so as to minimize the propagation of an explosion to adjacent units and to minimize other effects of any explosion.

c) An owner or operator shall store hazardous waste munitions and

## POLLUTION CONTROL BOARD

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explosives in accordance with a Standard Operating Procedure that specifies procedures that ensure safety, security, and environmental protection. If these procedures serve the same purpose as the security and inspection requirements of Section 725.114, the preparedness and prevention procedures of Subpart C of this Part, and the contingency plan and emergency procedures requirements of Subpart D of this Part, then the Standard Operating Procedure may be used to fulfill those requirements.

d) An owner or operator shall package hazardous waste munitions and explosives to ensure safety in handling and storage.

e) An owner or operator shall inventory hazardous waste munitions and explosives at least annually.

f) An owner or operator shall inspect and monitor hazardous waste munitions and explosives and their storage units as necessary to ensure explosives safety and to ensure that there is no migration of contaminants out of the unit.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 725.1202 Closure and Post-Closure Care

a) At closure of a magazine or unit that stored hazardous waste under this Subpart, the owner or operator shall remove or decontaminate all waste residues, contaminated containment system components, contaminated subsoils, and structures and equipment contaminated with waste and manage them as hazardous waste unless 35 Ill. Adm. Code 721.103(d) applies. The closure plan, closure activities, cost estimates for closure, and financial responsibility for magazines or units must meet all of the requirements specified in Subparts G and H of this Part, except that the owner or operator may defer closure of the unit as long as it remains in service as a munitions or explosives magazine or storage unit.

b) If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures, and equipment as required in subsection (a) of this Section, the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated, the owner or operator shall close the facility and perform post-closure care in accordance with the closure and post-closure requirements that apply to landfills (see 35 Ill. Adm. Code 724.410).

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## Section 725. APPENDIX F Compounds With Henry's Law Constant Less Than 0.1 Y/X (at 25°C)

## Compound name

## CAS No.

Acetaldol	107-89-1
Acetamide	60-35-5
2-Acetylaminofluorene	53-96-3
3-Acetyl-5-hydroxypiperidine	
3-Acetyl-piperidine	618-42-8
1-Acetyl-2-thiourea	591-08-2
Acrylamide	79-06-1
Acrylic acid	79-10-7
Adenine	73-24-5
Adipic acid	124-04-9
Adiponitrile	111-69-3
Alachlor	15972-60-8
Aldicarb	116-06-3
Ametryn	834-12-8
4-Aminobiphenyl	92-67-1
4-Aminopyridine	504-24-5
Aniline	62-53-3
o-Anisidine	90-04-0
Antraquinone	84-65-1
Atrazine	1912-24-9
Benzenearsonic acid	98-05-5
Benzenesulfonic acid	98-11-3
Benzidine	92-87-5
Benzo(a)anthracene	56-55-3
Benzo(k)fluoranthene	207-08-9
Benzoic acid	65-85-0
Benzo(g,h,i)perylene	191-24-2
Benzo(a)pyrene	50-32-8
Benzyl alcohol	100-51-6
gamma-BHC	58-89-9
Bis(2-ethylhexyl)phthalate	117-81-7
Bromochloromethyl acetate	
Bromoxynil	1689-84-5
Butyric acid	107-92-6
Caprolactam (hexahydro-2H-azepin-2-one)	105-60-2
Catechol(o-dihydroxybenzene)	120-80-9
Cellulose	9004-34-6
Cell wall	
Chlorhydrin (3-Chloro-1,2-propanediol)	96-24-2
Chloroacetic acid	79-11-8
2-Chloroacetophenone	93-76-5
p-Chloroaniline	106-47-8
p-Chlorobenzophenone	134-85-0

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Chlorobenzylate	510-15-6
p-Chloro-m-cresol (6-chloro-m-cresol)	59-50-7
3-Chloro-2,5-diketopyrrolidine	
Chloro-1,2-ethane diol	
4-Chlorophenol	106-48-9
Chlorophenol polymers (2-chlorophenol & 4-chlorophenol)	95-57-8 & 106-48-9
1-(o-Chlorophenyl)thiourea	5344-82-1
Chrysene	218-01-9
Citric acid	77-92-9
Creosote	8001-58-9
m-Cresol	108-39-4
o-Cresol	95-48-7
p-Cresol	106-44-5
Cresol (mixed isomers)	1319-77-3
4-Cumylphenol	27576-86
Cyanide	57-12-5
4-Cyanomethyl benzoate	
Diazinon	333-41-5
Dibenzo(a,h)anthracene	53-70-3
3,5-Dibromo-4-hydroxybenzonitrile	1689-84-5
Dibutylphthalate	84-74-2
2,5-Dichloroaniline (N,N'-dichloroaniline)	95-82-9
2,6-Dichlorobenzonitrile	1194-65-6
2,6-Dichloro-4-nitroaniline	99-30-9
2,5-Dichlorophenol	
3,4-Dichlorotetrahydrofuran	3511-19
Dichlorvos	106-47-8
Diethanolamine	111-42-2
N,N'-Diethylaniline	91-66-7
Diethylene glycol	111-46-6
Diethylene glycol dimethyl ether (dimethyl Carbitol)	111-96-6
Diethylene glycol monobutyl ether (butyl Carbitol)	112-34-5
Diethylene glycol monoethyl ether acetate (Carbitol acetate)	112-15-2
Diethylene glycol monoethyl ether (Carbitol Cellosolve)	111-90-0
Diethylene glycol monomethyl ether (methyl Carbitol)	111-77-3
N,N'-Diethylhydrazine	1615-80-1
Diethyl(4-methylumbelliferyl)thionophosphate	299-45-6
Diethylphosphorothioate	126-73-0
N,N'-Diethylpropionamide	15299-99-7
Dimethoate	60-51-5
4-Dimethylaminoazobenzene	60-11-7
7,12-Dimethylbenz(a)anthracene	57-97-6
3,3-Dimethylbenzidine	119-03-7
Dimethylcarbamoyl chloride	79-44-7

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Maleic anhydride	108-31-6
Mesityl oxide	141-79-7
Methane sulfonic acid	75-75-2
Methomyl	16752-77-5
p-Methoxyphenol	150-76-5
Methylacrylate	96-33-3
4,4'-Methylenediphenyl diisocyanate (diphenyl methane diisocyanate)	101-14-4
4,4'-Methylenedianiline	101-68-8
Methylene diphenylamine (MDA)	101-77-9
5-Methylfurfural	620-02-0
Methylhydrazine	60-34-4
Methyliminoacetic acid	66-27-3
Methyl methane sulfonate	298-00-0
1-Methyl-2-methoxyaziridine	77-78-1
Methylparathion	106-45-6
Methyl sulfuric acid (sulfuric acid, dimethyl ester)	141-43-5
4-Methylthiophenol	123-39-7
Monocethanolamine	142-59-6
Monomethylformamide (N-methylformamide)	90-15-3
Nabam	135-19-3
alpha-Naphthol	134-32-7
beta-Naphthol	131-59-8
alpha-Naphthylamine	126-30-7
beta-Naphthylamine	98-92-0
Neopentyl glycol	88-74-4
Niacinamide	55-63-0
o-Nitroaniline	88-75-5
Nitroglycerin	100-02-7
2-Nitrophenol	62-75-9
4-Nitrophenol	674-81-7
N-Nitrosodimethylamine	684-93-5
Nitrosoquandine	59-89-2
N-Nitroso-n-methylurea	144-62-7
N-Nitrosomorpholine (4-nitrosomorpholine)	56-38-2
Oxalic acid	115-77-5
Parathion	62-44-2
Pentaerythritol	108-95-2
Phenacetin	103-82-2
Phenol	108-45-2
Phenylacetic acid	95-54-5
m-Phenylene diamine	106-50-3
o-Phenylene diamine	62-38-4
p-Phenylene diamine	298-02-2
Phenyl mercuric acetate	85-44-9
Phorate	
Phthalic anhydride	

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Dimethylsulfide	624-92-0
Dimethylformamide	68-12-2
1,1-Dimethylhydrazine	57-14-7
Dimethylphthalate	131-11-3
Dimethylsulfone	67-71-0
Dimethylsulfoxide	67-68-5
2,3-Dimethoxystrychnidin-10-one	357-57-3
4,6-Dinitro-o-cresol	534-52-1
1,2-Diphenylhydrazine	122-66-7
Dipropylene glycol (1,1'-oxydi-2-propanol)	110-98-5
Endrin	72-20-8
Epinephrine	51-43-4
Ethyl carbamate (urethane)	51-79-6
Ethylene glycol	107-21-1
Ethylene glycol monobutyl ether (butyl Cellosolve)	111-76-2
Ethylene glycol monoethyl ether (Cellosolve)	110-80-5
Ethylene glycol monoethyl ether acetate (Cellosolve acetate)	111-15-9
Ethylene glycol monomethyl ether (methyl Cellosolve)	109-86-4
Ethylene glycol monophenyl ether (phenyl Cellosolve)	122-99-6
Ethylene glycol monopropyl ether (propyl Cellosolve)	2807-30-9
Ethylene thiourea (2-imidazolidinethione)	9-64-57
4-Ethylmorpholine	100-74-3
3-Ethylphenol	620-17-7
Fluoroacetic acid, sodium salt	62-74-8
Formaldehyde	50-00-0
Formamide	75-12-7
Formic acid	64-18-6
Fumaric acid	110-17-8
Glutaric acid	110-94-1
Glycerin (Glycerol)	56-81-5
Glycidol	556-52-5
Glycinamide	598-41-4
Glyphosate	1071-83-6
Guthion	86-50-0
Hexamethylene-1,6-diisocyanate (1,6-diisocyanatohexane)	822-06-0
Hexamethyl phosphoramide	680-31-9
Hexanoic acid	142-62-1
Hydrazine	302-01-2
Hydrocyanic acid	74-90-8
Hydroquinone	123-31-9
Hydroxy-2-propanitrile (hydracrylonitrile)	109-78-4
Indeno(1,2,3-cd)pyrene	193-39-5
Lead acetate	301-04-2
Lead subacetate (lead acetate, monobasic)	1335-32-6
Leucine	61-90-5
Malathion	121-75-5
Maleic acid	110-16-7



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alpha-Picoline (2-methyl pyridine)

1,3-Propane sulfone

beta-Propiolactone

Proporur (Baygon)

Propylene glycol

Pyrene

Pyridinium bromide

Quinoline

Quinone (p-benzoquinone)

Resorcinol

Simazine

Sodium acetate

Sodium formate

Strychnine

Succinic acid

Succinimide

Sulfanilic acid

Terephthalic acid

Tetraethyldithiopyrophosphate

Tetraethylenepentamine

Thiofanox

Thiosemicarbazide

2,4-Toluenediamine

2,6-Toluenediamine

3,4-Toluenediamine

2,4-Toluene diisocyanate

p-Toluic acid

m-Toluidine

1,1,2-Trichloro-1,2,2-trifluoroethane

Triethanolamine

Triethylene glycol dimethyl ether

Tripropylene glycol

Warfarin

3,4-Xylenol (3,4-dimethylphenol)

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- |  |                     |
|--|---------------------|
| 1) Heading of the Part: Land Disposal Restrictions |                     |
| 2) Code citation: 35 Ill. Adm. Code 728            |                     |
| 3) Section Numbers:                                | Proposed Action     |
| 728.101  | Amendment           |
| 728.104  | Amendment           |
| 728.107  | Amendment           |
| 728.109  | Amendment           |
| 728.130  | Repeal, New Section |
| 728.132  | Repeal              |
| 728.133  | Repeal              |
| 728.134  | Repeal              |
| 728.135  | Repeal              |
| 728.136  | Repeal              |
| 728.144  | Amendment           |
| 728.App. A   | Repeal              |
| 728.App. B   | Repeal              |
| 728.App. C   | Repeal              |
| 728.App. F   | Amendment           |
| 728.App. G   | Amendment           |
| 728.App. H   | Repeal              |
| 728.App. J   | Amendment           |
| 728.Table C  | Amendment           |
| 728.Table H  | Amendment           |
| 728.Table I  | New Section         |
| 728.Table T  | Amendment           |
| 728.Table U  | Amendment           |

4) Statutory authority: 415 ILCS 5/22.4 and 27

5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's proposed opinion of May 21, 1998, in R97-21/R98-3/R98-5 (consolidated), which opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Sections 5-35 and 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Sections 5-35 and 5-40 of the IAPA, it is not subject to first notice or to second notice review by JCPR.

The R97-21/R98-3/R98-5 proceeding updates Parts 703, 720, 721, 722, 723, 724, 725, 726, 728, and 738 of the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the periods July 1, 1996 through December 31, 1996 (docket R97-21) and January 1, 1997 through June 30, 1997 (docket R98-5). It further updates the Illinois underground injection control (UIC) rules to correspond with amendments adopted by USEPA that appeared

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- 62 Fed. Reg. 1678  
(January 13, 1997)  
USEPA changed the name and ownership of Enviro Corp. in a hazardous waste delisting.
- 62 Fed. Reg. 1834  
(January 14, 1997)  
USEPA amended the addresses for its Region V headquarters.
- 62 Fed. Reg. 1991  
(January 14, 1997)  
USEPA extended the national capacity variance for spent potliners from primary aluminum production (K088 waste) for 6 months.
- 62 Fed. Reg. 6621  
(February 12, 1997)  
USEPA amended various parts of the rules to identify when conventional and chemical military munitions become hazardous waste under RCRA.
- 62 Fed. Reg. 7502  
(February 19, 1997)  
USEPA adopted technical amendments to the tables in the Phase III land disposal restriction rule.
- 62 Fed. Reg. 25998  
(May 12, 1997)  
USEPA adopted the Phase IV land disposal restriction amendments for hazardous waste generated from wood processing operations.
- 62 Fed. Reg. 32452  
(June 13, 1997)  
USEPA adopted amendments to the hazardous waste testing and monitoring regulations.
- 62 Fed. Reg. 32974  
(June 17, 1997)  
USEPA adopted amendments to hazardous waste regulations regarding delisting of carbamate waste as hazardous under RCRA.

The Board will not need to take action based on the federal actions of July 10, 1996, August 26, 1996, November 25, 1996, January 13, 1997, January 14, 1997 (K088 waste only), February 19, 1997, and June 17, 1997, since we took action in prior actions. No action will be required of the Board on the August 5, 1996 federal authorization of additional elements of the Illinois RCRA Subtitle C hazardous waste program and the Code of Federal Regulations correction of November 4, 1996.

The Board will need to act with regard to the rest of the federal actions--i.e., those of July 1, 1996, January 14, 1997 (change of address only), February 12, 1997, May 12, 1997, and June 13, 1997.

Summary List of Federal Actions Forming the Basis of the Board's Actions in this Docket

- 61 Fed. Reg. 34251  
(July 1, 1996)  
Revisions establishing that only those non-municipal non-hazardous waste disposal units that meet specific standards may receive

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in the Federal Register during the period January 1, 1997 through June 30, 1997 (docket R98-3). During this period, USEPA amended its regulations as follows:

Docket R97-21: July 1, 1996 through December 31, 1996 RCRA Subtitle C Amendments

- 61 Fed. Reg. 34251  
(July 1, 1996)  
USEPA adopted revisions establishing that only those non-municipal non-hazardous waste disposal units that meet specific standards may receive conditionally exempt small quantity generator (CESQG) hazardous wastes.

- 61 Fed. Reg. 36419  
(July 10, 1996)  
USEPA corrected typographic errors in certain of the April 8, 1996 Phase III land disposal restriction (LDR) amendments.

- 61 Fed. Reg. 40520  
(August 5, 1996)  
USEPA authorized additional segments of the Illinois RCRA Subtitle C hazardous waste program.

- 61 Fed. Reg. 43927  
(August 26, 1996)  
USEPA adopted emergency amendments to the April 8, 1996 Phase III land disposal restrictions (LDR) treatment standards for carbamate wastes due to analytical problems with those wastes.

- 61 Fed. Reg. 56631  
(November 4, 1996)  
USEPA published a correction to the text of its rules in the Code of Federal Regulations (40 CFR 266.100(c)(3)(i)) due to the fact that segments were missing from the text.

- 61 Fed. Reg. 59931  
(November 25, 1996)  
USEPA adopted "final" organic air emission standards for tanks, surface impoundments, and containers (the "Subpart CC" rules).

Docket R98-3: January 1, 1997 through June 30, 1997 UIC Amendments

- 62 Fed. Reg. 1834  
(January 14, 1997)  
USEPA amended the addresses for its Region V headquarters.

- 62 Fed. Reg. 25998  
(May 12, 1997)  
USEPA adopted the Phase IV land disposal restriction amendments for hazardous waste generated from wood processing operations.

Docket R98-5: January 1, 1997 through June 30, 1997 RCRA Subtitle C Amendments

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CESQG hazardous wastes. (RCRA only)

Amendments to USEPA addresses. (RCRA only)

62 Fed. Reg. 1834  
(January 14, 1997)

62 Fed. Reg. 6621  
(February 12, 1997)

Amendments to segments of the rules that identify when conventional and chemical military munitions become hazardous waste under RCRA. (RCRA only)

62 Fed. Reg. 25998  
(May 12, 1997)

Phase IV land disposal restriction amendments for hazardous waste generated from wood processing operations. (RCRA and UIC)

62 Fed. Reg. 32452  
(June 13, 1997)

Amendments to the hazardous waste testing and monitoring regulations. (RCRA only)

Specifically, the segment of the amendments of the broader R97-21/R98-3/R98-5 rulemaking that is involved in Part 728 implements segments of the May 12, 1997 Phase IV land disposal restrictions rules, and the June 13, 1997 testing and monitoring amendments. The Board has also used the opportunity of amendments to Part 728 to make a number of corrective amendments to the existing text of some provisions. Some of the corrections were requested by JCAR.

6) Will these proposed amendments replace emergency amendments currently in effect? NO

7) Does this rulemaking contain an automatic repeal date? NO

8) Do these proposed amendments contain incorporations by reference? Yes.  
The existing text of Part 728 includes references to documents incorporated by reference in 35 Ill. Adm. Code 720.111. A number of those references are under amendment in this segment of the R97-21/R98-3/R98-5 proceeding for the purposes of the Phase IV land disposal restrictions rules and the testing and monitoring amendments. Other references remain unaffected.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical in substance to mandates imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this

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proposal for a period of 45 days after the date of this publication. Comments should reference Docket R97-21/R98-3/R98-5 and be addressed to:

Ms. Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order from Victoria Aggyeman, at 312-814-3620.

## 12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. The amendments involved in the R97-21/R98-3/R98-5 proceeding could affect the scope of affected entities to the extent a small business, small municipality, or not-for-profit corporation is involved in an activity involved in the amendments.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The amendments involved in the R97-21/R98-3/R98-5 proceeding could affect the burden of complying with the existing reporting, bookkeeping, or other procedures to the extent that an entity is involved in an activity involved in the amendments.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. The amendments involved in the R97-21/R98-3/R98-5 proceeding could affect the types of professional skills required for complying with the existing reporting, bookkeeping, or other procedures to the extent that an entity is involved in an activity involved in the amendments.

13) Regulatory Agenda on which this rulemaking was summarized: July 1997 and January 1998

The full text of the Proposed Amendments begins on the next page:



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## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE G: WASTE DISPOSAL

## CHAPTER I: POLLUTION CONTROL BOARD

## SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

## PART 728

## LAND DISPOSAL RESTRICTIONS

## SUBPART A: GENERAL

Section	Purpose, Scope and Applicability
728.101	Definitions
728.102	Dilution Prohibited as a Substitute for Treatment
728.103	Treatment Surface Impoundment Exemption
728.104	Procedures for case-by-case Extensions to an Effective Date
728.105	Petitions to Allow Land Disposal of a Waste Prohibited under Subpart C
728.106	Testing, Tracking, Waste Analysis and Recordkeeping Requirements for Generators, Treaters, and Disposal Facilities
728.107	Landfill and Surface Impoundment Disposal Restrictions (Repealed)
728.108	Special Rules for Characteristic Wastes
728.109	

## SUBPART B: SCHEDULE FOR LAND DISPOSAL PROHIBITION AND ESTABLISHMENT OF TREATMENT STANDARDS

Section	First Third (Repealed)
728.110	Second Third (Repealed)
728.111	Third Third (Repealed)
728.112	Newly Listed Wastes
728.113	Surface Impoundment exemptions
728.114	

## SUBPART C: PROHIBITION ON LAND DISPOSAL

Section	Waste Specific Prohibitions -- Wood Preserving Solvent Wastes
728.130	Waste Specific Prohibitions -- Dioxin-Containing Wastes
728.131	Waste Specific Prohibitions -- California List Wastes (Repealed)
728.132	Waste Specific Prohibitions -- First Third Wastes (Repealed)
728.133	Waste Specific Prohibitions -- Second Third Wastes (Repealed)
728.134	Waste Specific Prohibitions -- Third Third Wastes (Repealed)
728.135	Waste Specific Prohibitions -- Newly Listed Wastes (Repealed)
728.136	Waste Specific Prohibitions -- Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated
728.137	Waste-Specific Prohibitions: Newly-Identified Organic Toxicity Characteristic Wastes and Newly-Listed Coke By-Product and Chlorotoluene Production Wastes
728.138	

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728.139 Waste-Specific Prohibitions: End-of-pipe CWA, CWA-Equivalent, and Class I Nonhazardous Waste Injection Well Treatment Standards; Spent Aluminum Potliners; and Carbamate Wastes

## SUBPART D: TREATMENT STANDARDS

Section	Applicability of Treatment Standards
728.140	Treatment Standards Expressed as Concentrations in Waste Extract
728.141	Treatment Standards Expressed as Specified Technologies
728.142	Treatment Standards Expressed as Waste Concentrations
728.143	Adjustment of Treatment Standard
728.144	Treatment Standards for Hazardous Debris
728.145	Alternative Treatment Standards Based on HTMR
728.146	Universal Treatment Standards
728.148	

## SUBPART E: PROHIBITIONS ON STORAGE

Section	Prohibitions on Storage of Restricted Wastes
728.150	

APPENDIX A	Toxicity Characteristic Leaching Procedure (TCLP) (Repealed)
APPENDIX B	Treatment Standards (As concentrations in the Treatment Residual Extract) (Repealed)
APPENDIX C	List of Halogenated Organic Compounds (Repealed)
APPENDIX D	Wastes Excluded from Lab Packs
APPENDIX E	Organic Lab Packs (Repealed)
APPENDIX F	Technologies to Achieve Deactivation of Characteristics
APPENDIX G	Federal Effective Dates
APPENDIX H	National Capacity LDR Variances for UIC Wastes
APPENDIX I	EP Toxicity Test Method and Structural Integrity Test
APPENDIX J	Recordkeeping, Notification, and Certification Requirements (Repealed)
APPENDIX K	Metal Bearing Wastes Prohibited From Dilution in a Combustion Unit According to Section 728.103(c)

TABLE A	Constituent Concentrations in Waste Extract (CCWE)
TABLE B	Constituent Concentrations in Wastes (CCW)
TABLE C	Technology Codes and Description of Technology-Based Standards
TABLE D	Technology-Based Standards by RCRA Waste Code
TABLE E	Standards for Radioactive Mixed Waste
TABLE F	Alternative Treatment Standards for Hazardous Debris
TABLE G	Alternative Treatment Standards Based on HTMR
TABLE H	Wastes Excluded from CCW Treatment Standards
TABLE I	Generator Paperwork Requirements
TABLE J	Treatment Standards for Hazardous Wastes
TABLE U	Universal Treatment Standards (UTS)

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**AUTHORITY:** Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

**SOURCE:** Adopted in R87-5 at 11 Ill. Reg. 19354, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13046, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18403, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6232, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14470, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16508, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9462, effective June 17, 1991; amended in R90-11 at 15 Ill. Reg. 11937, effective August 12, 1991; amendment withdrawn at 15 Ill. Reg. 14716, October 11, 1991; amended in R91-13 at 16 Ill. Reg. 9619, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5727, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20692, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6799, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12203, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17563, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9660, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11100, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 783, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7685, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL

## Section 728.101 Purpose, Scope and Applicability

- a) This Part identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be land disposed.
- b) Except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721, the requirements of this Part apply to persons that generate or transport hazardous waste and to owners and operators of hazardous waste treatment, storage, and disposal facilities.
- c) Restricted wastes may continue to be land disposed as follows:
  - 1) Where persons have been granted an extension to the effective date of a prohibition under Subpart C or pursuant to Section 728.105, with respect to those wastes covered by the extension;
  - 2) Where persons have been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;
  - 3) A waste that is hazardous only because it exhibits a characteristic of hazardous waste and that is otherwise prohibited under this Part is not prohibited if the waste:
    - A) is disposed into a nonhazardous or hazardous waste injection well, as defined in 35 Ill. Adm. Code 704.106(a); and
    - B) Does not exhibit any prohibited characteristic of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C at the

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point of injection.

- 4) A waste that is hazardous only because it exhibits a characteristic of hazardous waste and which is otherwise prohibited under this Part is not prohibited if the waste meets any of the following criteria, unless the waste is subject to a specified method of treatment other than DEACT in Section 728.140 or is D003 reactive cyanide:
  - A) Either:
    - i) The waste is managed in a treatment system which subsequently discharges to waters of the U.S. pursuant to a permit issued under 35 Ill. Adm. Code 309; or
    - ii) The waste is treated for purposes of the pretreatment requirements of 35 Ill. Adm. Code 307 and 310; or
    - iii) The waste is managed in a zero discharge system engaged in Clean Water Act (CWA)-equivalent treatment, as defined in Section 728.137(a); and
  - BB) The waste no longer exhibits a prohibited characteristic of hazardous waste at the point of land disposal (i.e., placement in a surface impoundment).
- d) This Part does not affect the availability of a waiver under Section 121(d)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 U.S.C. Sections 9601 et seq.).
- e) The following hazardous wastes are not subject to any provision of this Part:
  - 1) **Waste Wastes** generated by small quantity generators of less than 100 kg of non-acute hazardous waste or less than 1 kg of acute hazardous waste per month, as defined in 35 Ill. Adm. Code 721.105;
  - 2) **Waste pesticide pesticides** that a farmer disposes of pursuant to 35 Ill. Adm. Code 722.170;
  - 3) **Waste Wastes** identified or listed as hazardous after November 8, 1984, for which USEPA has not promulgated a land disposal prohibition prohibitions or treatment standard standards; or
  - 4) De minimis losses of waste that exhibits a characteristic of hazardous waste to wastewaters are not considered to be prohibited waste and are defined as losses from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers or leaks from pipes, valves, or other devices used to transfer materials); minor leaks of process equipment, storage tanks, or containers; leaks from well-maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; rinsate from empty containers or from containers that are rendered empty by that rinsing; and laboratory waste that does not exceed one percent of the total flow of wastewater into the facility's headworks on an annual basis, or with a combined annualized average concentration not exceeding one part per million (ppm) in the headworks of the

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facility's wastewater treatment or pretreatment facility follows:

- A) Losses from normal material handling operations--feign spills from the unloading or transfer of materials from bins or other containers or leaks from pipes, valves, or other devices used to transfer materials; minor leaks of process equipment; storage tanks; or containers; leaks from well-maintained pump packings and seals; sample purging; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; rinsate from empty containers or from containers that are rendered empty by that rinsing; and laboratory waste that does not exceed one per cent of the total flow of wastewater into the facility's headworks on an annual basis; or with a combined annualized average concentration not exceeding one part per million (ppm) in the headworks of the facility's wastewater treatment or pretreatment facility; or
- B) Beharacterized waste that is injected into glass-lined nonhazardous wells in which the decharacterized waste's combined volume is less than one per cent of the total flow at the wellhead on an annualized basis and no greater than 10,000 gallons per day; and in which any underlying hazardous constituents in the characteristic waste are present at the point of generation at levels less than 10 times the treatment standards found at Section 728.104.

- 5) Land disposal prohibitions for hazardous characteristic wastes do not apply to laboratory wastes displaying the characteristic of ignitability (D001), corrosivity (D002), or organic toxicity (D012 through D043) that are mixed with other plant wastewaters at facilities whose ultimate discharge is subject to regulation under the CWA (including wastewaters at facilities that have eliminated the discharge of wastewater), provided that the annualized flow of laboratory wastewater into the facility's headworks headwork does not exceed one percent or that the laboratory wastes' combined annualized average concentration does not exceed one part per million in the facility's headworks.

- f) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) is exempt from Sections 728.107 and 728.150 for the hazardous wastes listed below. Such a handler or transporter is subject to regulation under 35 Ill. Adm. Code 733.102; 1) Batteries, as described in 35 Ill. Adm. Code 733.103; 2) Pesticides, as described in 35 Ill. Adm. Code 733.104; and 3) Thermostats, as described in 35 Ill. Adm. Code 733.107. 4) Mercury-containing lamps, as described in 35 Ill. Adm. Code 733.107.

BOARD NOTE: Subsection (f)(4) of this Section was added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

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- g) This Part is cumulative with the land disposal restrictions of 35 Ill. Adm. Code 729. The Environmental Protection Agency (Agency) shall not issue a wastewater authorization pursuant to 35 Ill. Adm. Code 709 or Section Sections 22.6 or 39(h) of the Environmental Protection Act [415 ILCS 5/22.6 or 39(h)] unless the waste meets the requirements of this Part as well as 35 Ill. Adm. Code 729.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 728.104 Treatment Surface Impoundment Exemption

- a) Wastes which are otherwise prohibited from land disposal under this Part may be treated in a surface impoundment or series of impoundments provided that:

- 1) Treatment of such wastes occurs in the impoundments;
- 2) The following conditions are met:
  - A) Sampling and testing. For wastes with treatment standards in Subpart D or prohibition levels in Subpart C, the residues from treatment are analyzed, as specified in Section 728.107 or 728.132, to determine if they meet the applicable treatment standards or, where no treatment standards have been established for the waste, the applicable prohibition levels. The sampling method, specified in the waste analysis plan under 35 Ill. Adm. Code 724.113 or 725.113, must be designed such that representative samples of the sludge and the supernatant are tested separately rather than mixed to form homogeneous samples.

- B) Removal. The following treatment residues (including any liquid waste) must be removed at least annually: residues which do not meet the treatment standards promulgated under Subpart D; residues which do not meet the prohibition levels established under Subpart C or Section 728.139 (where no treatment standards have been established); residues which are from the treatment of wastes prohibited from land disposal under Subpart C (where no treatment standards have been established and no prohibition levels apply); or residues from managing listed wastes which are not delisted under 35 Ill. Adm. Code 720.122. However, residues which are the subject of a valid certification under Section 728.108 made no later than a year after placement of the wastes in an impoundment are not required to be removed annually. If the volume of liquid flowing through the impoundment or series of impoundments annually is greater than the volume of the impoundment or impoundments, this flow-through constitutes removal of the supernatant for the purpose of this requirement.



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C) Subsequent management. Treatment residues must not be placed in any other surface impoundment for subsequent management unless the residues are the subject of a valid certification under Section 728.108 which allows disposal in surface impoundments meeting the requirements of Section 728.108(a).

D) Recordkeeping. Sampling, testing, and recordkeeping provisions of ~~the procedures and schedule for the sampling of impoundment contents, the analysis of test data, and the annual removal of residues which do not meet the treatment standards, or prohibition levels (where no treatment standards have been established), or which are from the treatment of wastes prohibited from land disposal under Subpart G (where no treatment standards have been established, and no prohibition levels apply), must be specified in the facility's waste analysis plan as required under 35 Ill. Adm. Code 724.113 or 725.113 apply.~~

3) The impoundment meets the design requirements of 35 Ill. Adm. Code 724.321(c) or 725.321(a) even though the unit may not be new, expanded or a replacement, and must be in compliance with applicable groundwater monitoring requirements of 35 Ill. Adm. Code 724.321(c) or 725.321(a) or 725.113 unless:

A) It is exempted pursuant to 35 Ill. Adm. Code 724.321(d) or (e), or to 35 Ill. Adm. Code 725.321(c) or (d); or

B) Upon application by the owner or operator, the Agency has by permit provided that the requirements of this Part do not apply on the basis that the surface impoundment:

- i) Has at least one liner, for which there is no evidence that such liner is leaking;
- ii) Is located more than one-quarter mile from an underground source of drinking water; and
- iii) Is in compliance with generally applicable groundwater monitoring requirements for facilities with permits; or

C) Upon application by the owner or operator, the Board has, pursuant to 35 Ill. Adm. Code 106, granted an adjusted standard from the requirements of this Part. The justification for such an adjusted standard shall be a demonstration that the surface impoundment is located, designed and operated so as to assure that there will be no migration of any hazardous constituent into groundwater or surface water at any future time; and --and

4) The owner or operator submits to the Agency a written certification that the requirements of subsection Section 728.104(a)(3) of this Section have been met and submits a copy of the waste analysis plan required under Section 728.104(f)(2). The following certification is required:

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I certify under penalty of law that the requirements of 35 Ill. Adm. Code 728.104(a)(3) have been met for all surface impoundments being used to treat restricted wastes. I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

b) Evaporation of hazardous constituents as the principal means of treatment is not considered to be a treatment for purposes of an exemption under this Section.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 728.107 Testing, Tracking, Waste--Analysis and Recordkeeping Requirements for Generators, Treaters, and Disposal Facilities

#### a) Requirements for generators:

1) A generator of a hazardous waste shall determine if the waste has to be treated before it can be land disposed. This is done by determining if the hazardous waste meets the treatment standards in Section 728.140 or Section 728.145. This determination can be made in either of two ways: testing the waste or using knowledge of the waste. Testing determines the total concentration of hazardous constituents, or the concentration of hazardous constituents in an extract of the waste obtained using test method 1311 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, depending on whether the treatment standard for the waste is expressed as a total concentration or concentration of hazardous constituent in the waste's extract. In addition, some hazardous wastes must be treated by particular treatment methods before they can be land disposed. These treatment standards are also found in Sections 728.140 and 728.145, and are described in detail in Section 728.145, Table C. These wastes do not need to be tested (however, if they are in a waste mixture, other wastes with concentration level treatment standards shall be tested). If a generator determines that it is managing a waste that displays a hazardous characteristic of ignitability, corrosivity, reactivity, or toxicity, the generator shall comply with the special requirements of Section 728.109 in addition to any applicable requirements in this Section.

2) If the waste does not meet the treatment standard: With the initial shipment of waste to each treatment or storage facility, the generator shall send a one-time written notice to each treatment or storage facility receiving the waste, and place a

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copy in the file. The notice must include the information in column "728.107(a)(2)" of the Generator Paperwork Requirements Table in Section 728.107(a)(2). No further notification is necessary until such time that the waste or facility changes, in which case a new notification must be sent and a copy placed in the generator's file.

3) If the waste meets the treatment standard at the original point of generation:

A) With the initial shipment of waste to each treatment, storage, or disposal facility, the generator shall send a one-time written notice to each treatment, storage, or disposal facility receiving the waste, and place a copy in its own file. The notice must include the information indicated in column "728.107(a)(3)" of the Generator Paperwork Requirements Table in Section 728.107(a)(3) and the following certification statement, signed by an authorized representative:

I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in 35 Ill. Adm. Code 728.107(a)(3). I believe that the information I submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment.

B) If the waste changes, the generator shall send a new notice and certification to the receiving facility, and place a copy in its file. Generators of hazardous debris excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(f) are not subject to these requirements.

4) For reporting, tracking and recordkeeping when exceptions allow certain wastes that do not meet the treatment standards to be land disposed: There are certain exemptions from the requirement that hazardous wastes meet treatment standards before they can be land disposed. These include, but are not limited to, case-by-case extensions under Section 728.105, disposal in a no-migration unit under Section 728.106, or a national capacity variance or case-by-case capacity variance under 728.107(a)(2). This Part. If a generator's waste is so exempt, then with the initial shipment of waste, the generator shall send a one-time written notice to each land disposal facility receiving the waste. The notice must include the information indicated in column "728.107(a)(4)" of the Generator Paperwork Requirements Table in Section 728.107(a)(4). If the waste changes, the generator shall send a new notice to the receiving facility, and

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place a copy in its file.

5) If a generator is managing and treating prohibited waste in tanks, containers, or containment buildings regulated under 35 Ill. Adm. Code 722.134 to meet applicable LDR treatment standards found at Section 728.140, the generator shall develop and follow a written waste analysis plan that describes the procedures it will carry out to comply with the treatment standards. (Generators treating hazardous debris under the alternative treatment standards of Section 728.140, however, are not subject to these waste analysis requirements.) The plan must be kept on site in the generator's records, and the following requirements must be met:

A) The waste analysis plan must be based on a detailed chemical and physical analysis of a representative sample of the prohibited wastes being treated, and contain all information necessary to treat the wastes in accordance with the requirements of this Part, including the selected testing frequency:

B) Such plan must be kept in the facility's on-site files and made available to inspectors; and

C) Wastes shipped off-site pursuant to this subsection (a)(5) must comply with the notification requirements of subsection (a)(3).

6) If a generator determines that the waste is restricted based solely on its knowledge of the waste, all supporting data used to make this determination must be retained on-site in the generator's files. If a generator determines that the waste is restricted based on testing this waste or an extract developed using the test method 1311 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, and all waste analysis data must be retained on-site in the generator's files.

7) If a generator determines that it is managing a restricted waste that is excluded from the definition of hazardous or solid waste or exempt from Subtitle C regulation under 35 Ill. Adm. Code 721.102 through 721.106 subsequent to the point of generation (including deactivated characteristic hazardous wastes that are managed in wastewater treatment systems subject to the CWA as specified at 35 Ill. Adm. Code 721.104(a)(2), or which are CWA-equivalent), the generator shall place a one-time notice stating such generation, subsequent exclusion from the definition of hazardous or solid waste or exemption from RCRA Subtitle C regulation, and the disposition of the waste in the generating facility's file.

8) A generator shall retain a copy of all notices, certifications, waste analysis data, and other documentation produced pursuant to this Section on-site for at least three years from the date that



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the waste that is the subject of such documentation was last sent to on-site or off-site treatment, storage, or disposal. The three year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Agency. The requirements of this subsection (a)(8) apply to solid wastes even when the hazardous characteristic is removed prior to disposal, or when the waste is excluded from the definition of hazardous, or solid waste under 35 Ill. Adm. Code 721.102 through 721.106, or exempted from RCRA Subtitle C regulation, subsequent to the point of generation.

- 9) If a generator is managing a lab pack containing hazardous wastes and wishes to use the alternative treatment standard for lab packs found at Section 728.142(c), the generator shall fulfill the following conditions:

A) With the initial shipment of waste to a treatment facility, the generator shall submit a notice that provides the information in column "Section 728.107(a)(9)" in the Generator Paperwork Requirements Table of Section 728. Table I and the following certification. The certification, which must be signed by an authorized representative and must be placed in the generator's files, must say the following:

I certify under penalty of law that I personally have examined and am familiar with the waste and that the lab pack contains only wastes that have not been excluded under 35 Ill. Adm. Code 728. Appendix D and that this lab pack will be sent to a combustion facility in compliance with the alternative treatment standards for lab packs at 35 Ill. Adm. Code 728.142(c). I am aware that there are significant penalties for submitting a false certification, including the possibility of fine or imprisonment.

- B) No further notification is necessary until such time as the wastes in the lab pack change, or the receiving facility changes, in which case a new notice and certification must be sent and a copy placed in the generator's file.
- C) If the lab pack contains characteristic hazardous wastes (D001-D043), underlying hazardous constituents (as defined in Section 728.102(i)) need not be determined.
- D) The generator shall also comply with the requirements in subsections (a)(6) and (a)(7) of this Section.
- 10) Small quantity generators with tolling agreements pursuant to 35 Ill. Adm. Code 722.120(e) shall comply with the applicable notification and certification requirements of subsection (a) of this Section for the initial shipment of the waste subject to the agreement. Such generators shall retain on-site a copy of the notification and certification, together with the tolling

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agreement, for at least three years after termination or expiration of the agreement. The three-year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Agency.

- a) Except as specified in Section 728.132, where a generator's waste is listed in 35 Ill. Adm. Code 721. Subpart B or if the waste exhibits one or more of the characteristics set out at 35 Ill. Adm. Code 721. Subpart C, the generator shall test its waste or test an extract using the Toxicity Characteristic Leaching Procedure Method 1311, in August. Methods for Evaluating Solid Waste, Physical/Chemical Methods, US EPA Publication SW-846, as incorporated by reference in 35 Ill. Adm. Code 720.111, or use knowledge of the waste to determine if the waste is restricted from land disposal under this Part. If the generator determines that its waste displays the characteristic of ignitability (B001) and is not in the High Vol Ignitable Liquids Subcategory or is not treated by CMBSS or RRRGS of Section 728. Table C, or the waste displays the characteristic of corrosivity (B002), reactivity (B003), or organic toxicity (B012 through B043), and the waste is prohibited under Sections 728.137, Section 728.138, and 728.139, the generator shall determine what underlying hazardous constituents (as defined in Section 728.102) are reasonably expected to be present in the B001, B002, B003, or B012 through B043 waste.

i) If a generator determines that it is managing a restricted waste under this Part and the waste does not meet the applicable treatment standards set forth in Subpart B of this Part or exceeds the applicable prohibition levels set forth in Section 728.132 or 728.139, the generator shall send a one-time written notice to each treatment or storage facility with the initial shipment of waste. No further notification is necessary until such time that the waste or facility changes in which case a new notification must be sent and a copy placed in the generator's file. The notice must include the following information:

- A) US EPA hazardous waste number.
- B) The waste constituents that the treator will monitor, if monitoring will not include all regulated constituents for wastes B001 through B005, B009, B017, B002, B003, and B012 through B043. The generator must also include whether the waste is a nonwastewater or wastewater (as defined in Section 728.102(d) and (f)) and indicate the subcategory of the waste (such as B003 reactive cyanide), if applicable.
- C) The manifest number associated with the shipment of waste.
- D) For hazardous debris, the contaminants subject to treatment as provided by Section 728.145(b), and the following statement: "This hazardous debris is subject to the alternative treatment standards of 35 Ill. Adm. Code 728.145, and
- E) Waste analysis data, where available.



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- under Section 720.105, an exemption under Section 720.106, an extension under Section 720.107(c)(3), or a nationwide capacity variance under 40 CFR 260.260-Subpart E (1996), the generator shall submit a one-time written notice with the initial shipment of the waste to each facility receiving the generator's waste stating that the waste is not prohibited from land disposal, if the waste changes, the generator shall send a new notice and certification to the receiving facility, and place a copy in its files. The notice must include the following information:
- A) USEPA hazardous waste number
  - B) The waste constituents that the treater will monitor, if monitoring will not include all regulated constituents, for wastes P001 through P009, P011, P012, P013, P014, P015, P016, P017, P018, P019, P020, P021, P022, P023, P024, P025, P026, P027, P028, P029, P030, P031, P032, P033, P034, P035, P036, P037, P038, P039, P040, P041, P042, P043, P044, P045, P046, P047, P048, P049, P050, P051, P052, P053, P054, P055, P056, P057, P058, P059, P060, P061, P062, P063, P064, P065, P066, P067, P068, P069, P070, P071, P072, P073, P074, P075, P076, P077, P078, P079, P080, P081, P082, P083, P084, P085, P086, P087, P088, P089, P090, P091, P092, P093, P094, P095, P096, P097, P098, P099, P100, P101, P102, P103, P104, P105, P106, P107, P108, P109, P110, P111, P112, P113, P114, P115, P116, P117, P118, P119, P120, P121, P122, P123, P124, P125, P126, P127, P128, P129, P130, P131, P132, P133, P134, P135, P136, P137, P138, P139, P140, P141, P142, P143, P144, P145, P146, P147, P148, P149, P150, P151, 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- B) Such plan must be filed with the Agency a minimum of 30 days prior to the treatment activity, with delivery verified.
- C) Wastes shipped off-site pursuant to this subsection must comply with the notification requirements of Section 728-107(a)(9).
- 5) If a generator determines whether the waste is restricted-based solely on the generator's knowledge of the waste, the generator shall retain all supporting data used to make this determination on-site in the generator's files. If a generator determines whether the waste is restricted-based on testing the waste or an extract developed using the test method described in Appendix A, the generator shall retain all waste analysis data on-site in its files.
- 6) If a generator determines, subsequent to the time of generation, that it is managing a restricted waste that is excluded from the definition of hazardous or solid waste or exempt from regulation as a RCRA hazardous waste under 35 Ill. Adm. Code 722-102 through 722-106, the generator shall place in the facility's files a one-time notice stating such generation, the subsequent exclusion from the definition of hazardous or solid waste or exemption from regulation as a RCRA hazardous waste, and the disposition of the waste.
- 7) A generator shall retain on-site a copy of all notices, certifications, demonstrations, waste analysis data, and other documentation produced pursuant to this Section for at least five years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment, storage, or disposal. The five-year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity, or as requested by the Agency. The requirements of this subsection apply to solid wastes even when the hazardous characteristic is removed prior to disposal, when the waste is excluded from the definition of hazardous or solid waste under 35 Ill. Adm. Code 722-102 through 722-106, or when the waste is exempted from regulation as a RCRA hazardous waste subsequent to the point of generation.
- 8) If a generator is managing a lab-pack that contains wastes identified in Section 728-Appendix B and wishes to use the alternative treatment standard under Section 728-142(c), with each shipment of waste the generator shall submit a notice to the treatment facility in accordance with subsection (a)(1) of this Section, except that underlying hazardous constituents need not be determined. The generator shall also comply with the requirements in subsections (a)(5) and (a)(6) of this Section and shall submit the following certification, which must be signed by an authorized representative:
- I certify under penalty of law that I personally have

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- examined and am familiar with the waste that the lab-pack does not contain any of the wastes identified in 35 Ill. Adm. Code 728-Appendix B. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine or imprisonment.
- 9) This subsection corresponds with 40 CFR 260.7(a)(9), marked "reserved" by US EPA at 59 Fed. Reg. 48845 (Sept. 19, 1994). This statement maintains structural consistency with federal regulations.
- 10) Small quantity generators with tolling agreements pursuant to 35 Ill. Adm. Code 722-120(e) shall comply with the applicable notification and certification requirements of subsection (a) of this Section for the initial shipment of the waste subject to the agreement. Such generators shall retain on-site a copy of the notification and certification, together with the tolling agreement, for at least three years after termination or expiration of the agreement. The three-year record retention period is automatically extended following notification pursuant to Section 31(d) of the Environmental Protection Act until either any subsequent enforcement action is resolved or until the Agency notifies the generator documents need not be retained.
- b) The owner or operator of a treatment facility treatment facilities shall test its wastes according to the frequency specified in its waste analysis plan plans, as required by 35 Ill. Adm. Code 724.113 (for permitted TSDs) or 725.113 (for interim status facilities). Such testing must be performed as provided in subsections (b)(1), (b)(2), and (b)(3) of this Section.
- 1) For wastes with treatment standards expressed as concentrations in the waste extract (TCLP) (Section 728-144), the owner or operator of the treatment facility shall test an extract of the treatment residues or an extract of such residues developed using the test method 1311 (the Toxicity Characteristic Leaching Procedure, described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111) Section 728-Appendix A to assure that the treatment residues or extract meets the applicable treatment standards.
- 2) For wastes prohibited under Section 728-132 or 728-139 that are not subject to any treatment standards under Subpart B of this Part, the owner or operator of the treatment facility shall test the treatment residues according to the generator testing requirements specified in Section 728-132 to assure that the treatment residues comply with the applicable prohibitions.
- 2) For wastes with treatment standards expressed as concentrations in the waste (Section 728-143), the owner or operator of the treatment facility shall test the treatment residues (not an extract of such residues) to assure that the treatment residues meet the applicable treatment standards.



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- (f)) and subdivisions made within a waste code based on waste-specific criteria (such as D003 reactive cyanide).
4. Waste analysis data (when available) X
5. A certification statement is needed (see applicable Section for exact wording).
- e) the manifest number associated with the shipment of waste? X
- and
- B) Waste analysis data where available- 4)5) The treatment facility owner or operator of a treatment facility shall submit a certification signed by an authorized representative with the initial each shipment of waste or treatment residue of a restricted waste to the land disposal facility stating that the waste or treatment residue has been treated in compliance with the treatment standards specified in Subpart B of this part and the applicable prohibitions set forth in Section 728.132 or 728.139. Debris excluded from the definition of hazardous waste under 35 Ill. Adm. Code 728.103(e) (fire debris treated by an extraction or destruction technology provided by Section 728.103(e) and debris that is destroyed) however, is subject to the notification and certification requirements of subsection (d) of this Section rather than the certification requirements of this subsection. The certification must state as follows:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly so as to comply with the treatment standards specified in 35 Ill. Adm. Code 728.140 without impermissible dilution of the prohibited waste. I am aware there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- A) A copy of the certification must be placed in the treatment facility's on-site files. If the waste or treatment residue changes, or the receiving facility changes, a new certification must be sent to the receiving facility, and a copy placed in the treatment facility's file. For wastes with treatment standards expressed as concentrations in the waste extract or in the waste (Sections 728.141 or 728.143) X

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- 3)4) A one-time notice must be sent with the initial waste shipment of waste to the each land disposal facility that includes the following information, except that debris excluded from the definition of the hazardous waste under 35 Ill. Adm. Code 728.103(e) (fire debris treated by an extraction or destruction technology provided by Section 728.103(e) and debris that is destroyed) is subject to the notification and certification requirements of subsection (d) of this Section rather than these notification requirements. No further notification is necessary until such time that the waste or receiving facility changes, in which case a new notice must be placed in the treatment facility's file.
- A) No further notification is necessary until such time that the waste or receiving facility changes, in which case a new notice must be sent and a copy placed in the treatment facility's file. USEPA hazardous waste number?
- B) The one-time notice must include the requirements indicated in the following table: The waste constituents that the treater will monitor, if monitoring will not include all regulated constituents for wastes P001 through P005, P009, P001, P002, P003, and P012 through B043. The generator must also include whether the waste is a nonwastewater or wastewater (as defined in Section 728.102(d) or (f)) and indicate the category of the waste (such as B003 reactive cyanide) if applicable.

Treatment Facility Paperwork Requirements Table

Section  
728.107(b)

Required information

USEPA Hazardous Waste and Manifest X

numbers. X

1. The waste is subject to the LDRs.
2. The constituents of concern for F001-F005 and F039, and underlying hazardous constituents (for wastes that are not managed in a Clean Water Act (CWA) or CWA-equivalent facility), unless the waste will be treated and monitored for all constituents. If all constituents will be treated and monitored, there is no need to put them all on the LDR notice.

3. The notice must include the applicable wastewater/nonwastewater category (see Section 728.102(d) and X



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or--for--wastes--prohibited--under--Section--728-132--or--728-139 that--are--not--subject--to--any--treatment--standards--under Subpart--B--of--this--Part;--the--certification--must--be--signed--by an--authorized--representative--and--must--state--the--following: I--certify--under--penalty--of--law--that--I--have--personally examined--and--am--familiar--with--the--treatment--technology and--operation--of--the--treatment--process--used--to--support this--certification--and--that--based--on--my--inquiry--of those--individuals--immediately--responsible--for obtaining--this--information,--I--believe--that--the treatment--process--has--been--operated--and--maintained properly,--so--as--to--comply--with--the--performance--levels specified--in--35--Ill. Adm. Code Subpart--B--of--this--Part and--all--applicable--prohibitions--set--forth--in--35--Ill. Adm. Code 728-132--or--728-139--or--Section--3004(d)--of--the Resource--Conservation--and--Recovery--Act--without impermissible--dilution--of--the--prohibited--waste;--I--am aware--that--there--are--significant--penalties--for submitting--a--false--certification,--including--the possibility--of--fine--and--imprisonment.

B) Debris excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(e) (i.e., debris treated by an extraction or destruction technology listed in Section 728-Table F and debris that the Agency has determined does not contain hazardous waste) is subject to the notification and certification requirements of subsection (d) of this Section rather than the certification requirements of this subsection (b)(4). For--wastes--with--treatment--standards expressed--as--technologies--(Section--728-143)--the certification--must--be--signed--by--an--authorized--representative and--must--state--the--following:

I--certify--under--penalty--of--law--that--the--waste--has--been treated--in--accordance--with--the--requirements--of--35--Ill. Adm. Code--728-143;--I--am--aware--that--there--are significant--penalties--for--submitting--a--false certification,--including--the--possibility--of--fine--and imprisonment.

C) For wastes with organic constituents having treatment standards expressed as concentration levels concentrations in the waste pursuant to Section 728-143, if compliance with the treatment standards in Subpart B of this Part is based in part or in whole on the analytical detection limit alternative specified in Section 728.140(d) 728-143(c), the certification must be signed by an authorized representative and also must state the following:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology

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and operation of the treatment process used to support this certification. Based and--that--based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the nonwastewater organic constituents have been treated by combustion incineration--in units as specified operated in accordance--with 35 Ill. Adm. Code 728-Table C, 724-Subpart--B--or--35--Ill. Adm. Code 725-Subpart--B--or--by--combustion--in--fuel--substitution units--operating--in--accordance--with--applicable technical--requirements;--and I have been unable to detect the nonwastewater organic constituents, despite having used best good faith efforts to analyze for such constituents. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

B) For characteristic wastes B0017-B0027-B0037--and--B012--through B043--that--are--subject--to--the--treatment--standards--in--Section 728-140--(other--than--those--expressed--as--a--required--method--of treatment)--that--are--reasonably--expected--to--contain underlying--hazardous--constituents--(as--defined--in--Section 728-102(f))--that--are--treated--on--site--to--remove--the hazardous--characteristic;--and--that--are--then--sent--off--site for--treatment--of--underlying--hazardous--constituents;--the certification--must--state--the--following:

I--certify--under--penalty--of--law--that--the--waste--has--been treated--in--accordance--with--the--requirements--of--35--Ill. Adm. Code--728-140--to--remove--the--hazardous characteristic;--this--decharacterized--waste--contains underlying--hazardous--constituents--that--require--further treatment--to--meet--universal--treatment--standards;--I--am aware--that--there--are--significant--penalties--for submitting--a--false--certification,--including--the possibility--of--fine--and--imprisonment.

B) For characteristic wastes B0017-B0027-B0037--and--B012--through B043--that--contain--underlying--hazardous--constituents,--as defined--in--Section--728-102(f)--and--which--are--treated--on--site to--remove--the--hazardous--characteristic--and--to--treat underlying--hazardous--constituents--to--levels--set--forth--in--the Sections--728-140--and--728-Table--B--Universal--Treatment Standards;--the--certification--must--state--the--following:

I--certify--under--penalty--of--law--that--the--waste--has--been treated--in--accordance--with--the--requirements--of--35--Ill. Adm. Code--728-140--to--remove--the--hazardous characteristic;--and--that--underlying--hazardous constituents,--as--defined--in--Section--728-1027--have--been

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~~treated-on-site--to--meet--the--Sections--728.114--and 728.108--Universal--Treatment--Standards--I--am--aware that--there--are--significant--penalties--for--submitting--a false--certification--including--the--possibility--of--fine and--imprisonment--~~

5) If the waste or treatment residue will be further managed at a different treatment or storage facility, the treatment, storage, or disposal facility sending the waste or treatment residue off-site must comply with the notice and certification requirements applicable to generators under this Section.

6) Where the wastes are recyclable materials used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), regarding treatment standards and prohibition levels, the owner or operator of a treatment facility (i.e., the recycler) is not required to notify the receiving facility pursuant to subsection (b)(4) of this Section. With each shipment of such wastes the owner or operator of the recycling facility shall submit a certification described in subsection (b)(5) of this Section and a notice that includes the information listed in subsection (b)(4) of this Section (except the manifest number) to the Agency. The recycling facility also shall keep records of the name and location of each entity receiving the hazardous waste-derived product.

c) Except where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal pursuant to 35 Ill. Adm. Code 726.120(b), the owner or operator of any land disposal facility disposing any waste subject to restrictions under this Part shall:

- 1) Maintain in its files Have copies of the notice and certifications certification specified in subsection (a) or (b) of this Section and--the--certification--specified--in--Section 728.108--if--applicable.
- 2) Test the waste, or an extract of the waste or treatment residue developed, using test method 1311 (the Toxicity Characteristic Leaching Procedure, described in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111) the--test--method--described--in--Section--728--Appendix--A--or--using--any methods--required--by--generators--under--Section--728.132--to assure that the waste or treatment residue is in compliance with the applicable treatment standards set forth in Subpart D of this Part and--all--applicable--prohibitions--set--forth--in--Sections 728.132--or--728.133. Such testing must be performed according to the frequency specified in the facility's waste analysis plan as required by 35 Ill. Adm. Code 724.113 or 725.113.

3) Where the owner or operator is disposing of any waste that is subject to the prohibitions under Section 728.133(f) but not subject to the prohibitions set forth in Section 728.132, the

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owner or operator shall ensure that such waste is the subject of a certification according to the requirements of Section 728.108 prior to disposal in a landfill or surface impoundment unit, and that such disposal is in accordance with the requirements of Section 728.105(h)(2). The same requirement applies to any waste that is subject to the prohibitions under Section 728.133(f) and also is subject to the statutory prohibitions in the codified prohibitions in Section 728.139 or Section 728.132.

4) Where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), the owner or operator is not subject to subsections (c)(1) through (c)(3) of this Section with respect to such waste.

d) A generator or treater that first claims that hazardous debris is excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(e) (i.e., debris treated by an extraction or destruction technology provided by Section 728.103, Table F, and debris that has been delisted) is subject to the following notification and certification requirements:

1) A one-time notification must be submitted to the Agency including the following information:

- A) The name and address of the RCRA Subtitle D (municipal solid waste landfill) facility receiving the treated debris;
- B) A description of the hazardous debris as initially generated, including the applicable USEPA hazardous waste numbers; and
- C) For debris excluded under 35 Ill. Adm. Code 721.103(e)(1), the technology from Section 728.103, Table F used to treat the debris.

2) The notification must be updated if the debris is shipped to a different facility and, for debris excluded under 35 Ill. Adm. Code 721.102(e)(1) 721.103(e)(1), if a different type of debris is treated or if a different technology is used to treat the debris.

3) For debris excluded under 35 Ill. Adm. Code 721.103(e)(1), the owner or operator of the treatment facility shall document and certify compliance with the treatment standards of Section 728.103, Table F, as follows:

- A) Records must be kept of all inspections, evaluations, and analyses of treated debris that are made to determine compliance with the treatment standards;
- B) Records must be kept of any data or information the treater obtains during treatment of the debris that identifies key operating parameters of the treatment unit; and
- C) For each shipment of treated debris, a certification of compliance with the treatment standards must be signed by an authorized representative and placed in the facility's files. The certification must state the following:



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"I certify under penalty of law that the debris has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.145. I am aware that there are significant penalties for making a false certification, including the possibility of fine and imprisonment."

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 728.109 Special Rules for Characteristic Wastes

- a) The initial generator of a solid waste shall determine each USEPA hazardous waste number (waste code) applicable to the waste in order to determine the applicable treatment standards under Subpart D of this Part. For purposes of this Part, the waste must carry the waste code for any applicable listing under 35 Ill. Adm. Code 721.Subpart D. In addition, the waste must carry one or more of the waste codes under 35 Ill. Adm. Code 721.Subpart C where the waste exhibits a characteristic, except in the case when the treatment standard for the waste code listed waste in 35-III-Adm-Code-721-Subpart-B operates in lieu of the treatment standard for the characteristic waste code under 35-III-Adm-Code-721-Subpart-C, as specified in subsection (b) of this Section. If the generator determines that its waste displays a characteristic of hazardous waste (and the waste is not a-B004-through B011-waste-a-high-pH D001 nonhazardous waste treated by CMBST, RORGS, or POLYM of Section 728-Table C, the generator shall determine the underlying hazardous constituents (as defined at Section 728.102(i)) in the characteristic waste and is not treated by CMBST or RORGS-as-described-in-Section-728-Table-C,--the-generator--shall determine--what--underlying-hazardous-constituents--(as-defined-in-Section-728-102)--are--reasonably--expected--to--be-present--above--the-universal-treatment-standards--set--forth--in--Sections--728-140--and-728-Table-B.
- b) Where a prohibited waste is both listed under 35 Ill. Adm. Code 721.Subpart D and exhibits a characteristic under 35 Ill. Adm. Code 721.Subpart C, the treatment standard for the waste code listed in 35 Ill. Adm. Code 721.Subpart D will operate in lieu of the standard for the waste code under 35 Ill. Adm. Code 721.Subpart C, provided that the treatment standard for the listed waste includes a treatment standard for the constituent that causes the waste to exhibit the characteristic. Otherwise, the waste must meet the treatment standards for all applicable listed and characteristic waste codes.
- c) In addition to any applicable standards determined from the initial point of generation, no prohibited waste that exhibits a characteristic under 35 Ill. Adm. Code 721.Subpart C shall be land disposed unless the waste complies with the treatment standards under Subpart D of this Part.
- d) A waste that exhibits a characteristic is also subject to Section

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728.107 requirements, except that once the waste is no longer hazardous, a one-time notification and certification must be placed in the generator's or treater's files and sent to the Agency, except for those facilities described in subsection (f) below. The notification and certification that is placed in the generator's or treater's files must be updated if the process or operation generating the waste changes or if the Subtitle D facility receiving the waste changes. However, the generator or treater need only notify the Agency on an annual basis if such changes occur. Such notification and certification should be sent to the Agency by the end of the year, but no later than December 31.

1) The notification must include the following information:

- A) The For-a-characteristic-waste-other-than-one-managed-on-site-in-a-wastewater-treatment-system-subject-to-the-federal Clean-Water-Act-(CWA)--a-zero-discharge-engaged-in-EPA-equivalent-treatment-or-a-Class-I-nonhazardous-waste injection-well--the name and address of the RCRA Subtitle D (municipal solid waste landfill) facility receiving the waste shipment; and
- B) A For-a-waste-that-exhibits-a-characteristic-of-hazardous waste-a description of the waste as initially generated, including the applicable USEPA hazardous waste numbers, the treatability group(s), and the underlying hazardous constituents (as defined in Section 728.102(i)), unless the waste will be treated and monitored for all underlying hazardous constituents. If all underlying hazardous constituents will be treated and monitored, there is no requirement to list any of the underlying hazardous constituents on the notice.
- 2) The certification must be signed by an authorized representative and must state the language found in Section 728.107(b)(4 5)(A). if-treatment-removes-the-characteristic-but-does-not-treat underlying-hazardous-constituents-then-the-certification-found in-Section-728-107(b)(5)(B)-applies.
- 3) For a characteristic waste whose ultimate disposal will be into a Class I nonhazardous waste injection well, and for which compliance with the treatment standards set forth in Sections 728.148 and 728-Table U for underlying hazardous constituents is achieved through pollution prevention that meets the criteria set forth at 35 Ill. Adm. Code 738.101(d), the following information must also be included:
- A) A description of the pollution prevention mechanism and when it was implemented if already complete;
- B) The mass of each underlying hazardous constituent before pollution prevention;
- C) The mass of each underlying hazardous constituent that must be removed, adjusted to reflect variations in mass due to normal operating conditions; and



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- d) The mass reduction of each underlying hazardous constituent that is achieved.
- e) For a decharacterized waste managed on-site in a wastewater treatment system subject to the Federal Clean Water Act (CWA) or zero-dischargers engaged in CWA-equivalent treatment, compliance with the treatment standards set forth in Sections 728.148 and 728.149 must be monitored quarterly, unless the treatment is aggressive biological treatment, in which case compliance must be monitored annually. Monitoring results must be kept in on-site files for 5 years.
- f) For a decharacterized waste managed on-site in a wastewater treatment system subject to the Federal Clean Water Act (CWA) for which all underlying hazardous constituents (as defined in Section 728.102) are addressed by a CWA permit, this compliance must be documented and this documentation must be kept in on-site files.
- g) For a characteristic waste whose ultimate disposal will be into a Class I nonhazardous waste injection well that qualified for the de minimis exclusion described in Section 728.101, information supporting that qualification must be kept in on-site files.
- (Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)
- SUBPART C: PROHIBITION ON LAND DISPOSAL
- Section 728.130 Waste Specific Prohibitions -- Wood Preserving Solvent Wastes**
- a) The following wastes are prohibited from land disposal: the wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous waste numbers F032, F034, and F035.
- b) Effective May 12, 1999, the following wastes are prohibited from land disposal: soil and debris contaminated with the wastes specified in 35 Ill. Adm. Code 721 as F032, F034, F035, and radioactive wastes mixed with USEPA hazardous waste numbers F032, F034, and F035.
- c) Until May 12, 1999, soil and debris contaminated with the wastes specified in 35 Ill. Adm. Code 721 as USEPA hazardous waste numbers F032, F034, F035, and radioactive waste mixed with USEPA hazardous waste numbers F032, F034, and F035 may be disposed of in a landfill or surface impoundment only if such unit is in compliance with the requirements specified in Section 728.105(h)(2).
- d) The requirements of subsections (a) and (b) of this Section do not apply if:
- 1) The wastes meet the applicable treatment standards specified in Subpart D of this Part;
  - 2) Persons have been granted an exemption from a prohibition pursuant to a petition under Section 728.106 with respect to those wastes and units covered by the petition;
  - 3) The wastes meet the applicable alternate treatment standards

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- established pursuant to a petition granted under Section 728.144; or
- 4) Persons have been granted an extension to the effective date of a prohibition pursuant to 40 CFR 268.5 (see Section 728.105), with respect to those wastes covered by the extension.
- e) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards specified in Sections 728.140 and 728.149, the initial generator shall test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains constituents in excess of the applicable universal treatment standard levels of Sections 728.148 and 728.149, the waste is prohibited from land disposal and all requirements of Part 728 are applicable, except as otherwise specified.
- a) The spent solvent wastes specified in 35 Ill. Adm. Code 721.133 as U.S. EPA Hazardous Waste Numbers P001, P002, P003, P004, and P005 are prohibited under this Part from land disposal (except in an injection well) unless one or more of the following conditions apply:
- 1) The generator of the solvent waste is a small quantity generator of 100 to 1000 kilograms of hazardous waste per month;
  - 2) The solvent waste is generated from any response action taken under CERCLA or from RCRA corrective action except where the waste is contaminated soil or debris;
  - 3) The initial generator's solvent waste is a solvent water mixture solvent containing sludge or solid, or solvent contaminated soil (non-CERCLA or non-RCRA corrective action) containing less than 1 percent total P001 through P005 solvent constituents listed in Table G, or
  - 4) The solvent waste is a residue from treating a waste described in subsection (a)(1) or (a)(3) above or the solvent waste is a residue from treating a waste not described in subsection (a)(1) or (a)(3) or (a)(3) provided such residue belongs to a different treatability group than the waste as initially generated and wastes belonging to such treatability group are described in subsection (a)(3);
  - b) The P001 through P005 solvent wastes listed in subsections (a)(1) or (a)(3) or (a)(3) above are prohibited from land disposal;
  - c) The P001 through P005 solvent wastes that are contaminated soil and debris resulting from a CERCLA response or RCRA corrective action or the residue from treatment of these wastes are prohibited from land disposal;
  - d) The requirements of subsections (a)(1) or (a)(3) and (c) above do not apply if:
- 1) The wastes meet the standards of 728.106 Subpart B, or
  - 2) An exemption adjusted standard was granted with respect to a petition under Section 728.106 with respect to those wastes and units, and the activity is covered by the

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adjusted standard; or

- 3) Persons have been granted an extension to the effective date of a prohibition by U.S. EPA pursuant to Section 728-105 with respect to those wastes and units and the activity is covered by the extension.

(Source: Section repealed and new Section added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 728.132 Waste Specific Prohibitions -- California List Wastes  
(Repealed)

- a) The following hazardous wastes are prohibited from land disposal (except in injection wells):

- 1) Liquid hazardous wastes having a pH less than or equal to two (2.0);
- 2) Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm;
- 3) Liquid hazardous wastes that are primarily water and contain halogenated organic compounds (HOCs) in total concentration greater than or equal to 1000 mg/l and less than 10,000 mg/l HOCs.

- d) The requirements of subsection (a) and (e) do not apply until:

- 1) November 8, 1989 where the wastes are contaminated soil or debris not resulting from a CERCLA response action or from RCRA corrective action as defined in Section 728-102; Until July 8, 1997, the wastes may be disposed of in a landfill or surface impoundment only if such disposal is in compliance with the requirements in 40 CFR 260.5(h)(2), incorporated by reference in Section 728-105.

- 2) November 8, 1990 where the wastes are contaminated soil or debris resulting from a CERCLA response action or RCRA corrective action; Until November 8, 1990, the wastes may be disposed in a landfill or surface impoundment only if such unit is in compliance with the requirements specified in 40 CFR 260.5(h)(2), incorporated by reference in Section 728-105.

- e) The following hazardous wastes are prohibited from land disposal (subject to any regulation that may be promulgated with respect to disposal in injection wells):

- 1) Liquid hazardous wastes that contain HOCs in total concentration greater than or equal to 1000 mg/l and are not prohibited under subsection (e)(3); and
- 2) Nonliquid hazardous wastes containing HOCs in total concentration greater than or equal to 1000 mg/kg and which are not wastes described in subsection (d);

- f) The wastes described in subsections (e)(1) and (e)(2) may be disposed of in a landfill or surface impoundment only if such unit is in compliance with the requirements specified in 40 CFR 260.5(h)(2);

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incorporated by reference in Section 728-105.

- g) The requirements of subsections (a)-(d) and (e) do not apply if:
- 1) Persons have been granted an adjusted standard from a prohibition pursuant to a petition under Section 728-106 with respect to those wastes and units covered by the petition (except for liquid hazardous wastes containing PCBs at concentrations greater than or equal to 500 ppm which are not eligible for exemptions); or
- 2) Persons have been granted an extension to the effective date of a prohibition pursuant to Section 728-105 with respect to those wastes covered by the extension; or
- 3) The wastes meet the applicable standards specified in Subpart B or, where treatment standards are not specified, the wastes are in compliance with the applicable prohibitions set forth in this Section or Section 728-139.
- h) The prohibitions and effective dates specified in subsections (a)-(d) and (e) do not apply where the waste is subject to a Subpart C prohibition and effective date for a specified HOC (such as a hazardous waste chlorinated solvent; see e.g., Section 728-139(a)).
- i) To determine whether or not a waste is a liquid under subsections (a) or (e) or under Section 728-139, the following test must be used: Method 9095 (Paint Filter Liquids Test) as described in August Methods for Evaluating Solid Wastes, incorporated by reference in 35 Ill. Adm. Code 720-111.
- j) Except as otherwise provided in this subsection, the waste analysis and recordkeeping requirements of Section 728-107 are applicable to wastes prohibited under this Part or Section 728-139.
- 1) The initial generator of a liquid hazardous waste shall test the waste (not an extract or filtrate) in accordance with the procedures specified in 35 Ill. Adm. Code 721-122(a)(1) or use knowledge of the waste to determine if the waste has a pH less than or equal to two (2.0). If the liquid waste has a pH less than or equal to two (2.0), it is restricted from land disposal and all requirements of this Part are applicable, except as otherwise specified in this Section.
- 2) The initial generator of either a liquid hazardous waste containing PCBs or a liquid or nonliquid hazardous waste filtrate) or use knowledge of the waste to determine whether the concentration levels in the waste equal or exceed the prohibition levels specified in this Section. If the concentration of PCBs or HOCs in the waste is greater than or equal to the prohibition levels specified in this Section, the waste is restricted from land disposal and all requirements of this Part are applicable, except as otherwise specified in this Section.

(Source: Repealed at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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Section 728.133 Waste Specific Prohibitions -- First Third Wastes (Repealed)

- a) The wastes specified in 35 Ill. Adm. Code 721.132 as U.S. EPA hazardous waste numbers listed below are prohibited from land disposal (except in an injection well):  
R006 (nonwastewater)  
R001  
R004 wastes specified in Sections 728.140 and 728.140-W  
R008 wastes specified in Sections 728.140 and 728.140-W  
R015  
R016  
R018  
R019  
R020  
R021 wastes specified in Sections 728.140 and 728.140-W  
R022 (nonwastewater)  
R024  
R025 nonwastewaters specified in Sections 728.140 and 728.140-W  
R030  
R036 (nonwastewater)  
R037  
R044  
R045 (nonexplosive)  
R046 (nonwastewater)  
R047  
R060 (nonwastewater)  
R061 (nonwastewaters containing less than 15% zinc)  
R062 (non-CaSO4)  
R069 (nonwastewater)  
R083  
R086 (solvent washes)  
R087  
R099  
R100 nonwastewaters specified in Sections 728.140 and 728.140-W  
R101 (wastewater)  
R101 (nonwastewater) low arsenic subcategory less than 10 total arsenic  
R102 (wastewater)  
R102 (nonwastewater) low arsenic subcategory less than 10 total arsenic  
R103  
R104  
b) The wastes specified in 35 Ill. Adm. Code 721.132 as U.S. EPA Hazardous Waste No. R071 is prohibited from land disposal.  
c) The wastes specified in Section 728.110 having a treatment standard in 728.110 Subpart B based on incineration and which are contaminated soil and debris are prohibited from land disposal.  
e) The requirements of subsection (a), (b), and (c) above do not apply

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- if:  
1) The waste meets the applicable standards specified in 728.110 Subpart B.  
2) An adjusted standard was granted from a prohibition pursuant to a petition under Section 728.106 with respect to those wastes and units, and the activity is covered by the adjusted standard, or persons have been granted an extension to the effective date of a prohibition by U.S. EPA pursuant to Section 728.105 with respect to those wastes and units, and the activity is covered by the extension.  
f) This subsection corresponds with 40 CFR 260.93(f), a provision whose effectiveness has expired. This statement maintains structural consistency with U.S. EPA regulations.  
g) To determine whether a hazardous waste is listed in Section 728.110 exceeds the applicable treatment standards specified in Sections 728.131, 728.140, and 728.140-W, the initial generator shall test a representative sample or the extract of the waste or the generator may use knowledge of the waste or the generator shall test the entire waste concentrations in the waste extract or the waste, if the waste contains constituents in excess of the applicable 728.110 Subpart B levels, the waste is prohibited from land disposal, and all requirements of this Part are applicable except as otherwise specified.

(Source: Repealed at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 728.134 Waste Specific Prohibitions -- Second Third Wastes (Repealed)

- a) The following wastes are prohibited from land disposal:  
1) The wastes specified in 35 Ill. Adm. Code 721.131 as USEPA hazardous waste numbers:  
R010  
R024  
2) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste numbers:  
R005  
R007  
R009 (nonwastewaters)  
R010  
R023  
R027  
R028  
R029 (nonwastewaters)  
R036 (wastewaters)



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R030  
R039  
R040  
R043  
R093  
R094  
R095-(nonwastewaters)  
R096-(nonwastewaters)  
K113  
K114  
K115  
K116

- 3) The--wastes--specified--in--35--Ill.--Adm.--Code--721.133--as--USEPA hazardous--waste--numbers:

P013  
P021  
P029  
P030  
P039  
P040  
P041  
P043  
P044  
P062  
P063  
P071  
P074  
P085  
P089  
P094  
P097  
P098  
P099  
P104  
P106  
P109  
P111  
P112  
U028  
U058  
U069  
U077  
U088  
U102  
U107  
U211

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U223  
U235

- b) The--following--wastes--are--prohibited--from--land--disposal--except--when they--are--injected--into--a--UIC--well--pursuant--to--35--Ill.--Adm.--Code 730.114(f) or 730.115(d)--USEPA--hazardous--waste--numbers:

R009-(wastewaters)  
R011-(nonwastewaters)  
R013-(nonwastewaters)  
R014-(nonwastewaters)

- c) The--following--wastes--are--prohibited--from--land--disposal--The--wastes specified--in--35--Ill.--Adm.--Code--721.131--as--USEPA--hazardous--waste numbers:

P006-----cyanide-(nonwastewater)  
P008  
P009  
P011-(wastewaters)  
P012-(wastewaters)

- 1) The--following--waste--is--prohibited--from--land--disposal--except--when it--is--injected--into--a--UIC--well--pursuant--to--35--Ill.--Adm.--Code--730.114(f)--The--waste--specified--in--35--Ill.--Adm.--Code--721.131--as USEPA--hazardous--waste--number--P007.  
2) The--following--wastes--are--prohibited--from--land--disposal--pursuant to--the--treatment--standards--specified--in--Sections--720.141--or 720.143--applicable--to--those--wastes:

P011-(nonwastewaters)  
P012-(nonwastewaters)

- d) Effective--June--8--1991--the--following--wastes--are--prohibited--from--land disposal--The--wastes--specified--in--this--Section--having--a--treatment standard--in--Subpart--B--based--on--incineration--and--which--are contaminated--contaminated--soil--and--debris.

- e) Until--June--8--1991--wastes--included--in--subsections--(c)--and--(d)--may--be disposed--in--a--landfill--or--surface--impoundment--regardless--whether--such unit--is--a--new--replacement--or--lateral--expansion--unit--only--if--such unit--is--in--compliance--with--the--technical--requirements--specified--in--40 CFR--260.5(h)(3)--incorporated--by--reference--in--Section--720.105.

- f) The--requirements--of--subsections--(a)--(b)--(c)--and--(d)--do--not--apply--if:  
1) The--wastes--meet--the--applicable--standards--specified--in--Subpart--B--or  
2) Persons--have--been--granted--an--exemption--from--a--prohibition pursuant--to--a--petition--under--Section--720.106--with--respect--to those--wastes--and--units--covered--by--the--petition.

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K015-(nonwastewaters)  
K017  
K021-(wastewaters)  
K022-(wastewaters)  
K025-(wastewaters)  
K026  
K029-(wastewaters)  
K031-(wastewaters)  
K032  
K033  
K034  
K035  
K041  
K042  
K046-(wastewaters; reactive-nonwastewaters)  
K048-(wastewaters)  
K049-(wastewaters)  
K050-(wastewaters)  
K051-(wastewaters)  
K052-(wastewaters)  
K060-(wastewaters)  
K061-(wastewaters)-and-(high-zinc-subcategory->150-zinc)  
K069-(wastewaters; calcium-sulfate-nonwastewaters)  
K073  
K083  
K084-(wastewaters)  
K085  
K095-(wastewaters)  
K096-(wastewaters)  
K097  
K098  
K100-(wastewaters)  
K101-(wastewaters)  
K102-(wastewaters)  
K105  
K106-(wastewaters)  
3) the-wastes-specified-in-35-III.-Adm.-Code-721.133(e)-as-U.S.-BPA  
hazardous-waste-numbers:  
P001  
P002  
P003  
P004  
P005  
P006  
P007  
P008  
P009  
P010-(wastewaters)

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g) The-requirements-of-subsections-(a)-(b)-and-(c)-do-not-apply-if  
persons-have-been-granted-an-extension-to-the-effective-date-of-a  
prohibition-pursuant-to-Section-720.105, with-respect-to-those-wastes  
covered-by-the-extension;  
h) Until-May-8, 1990, the-second-third-wastes-specified-in-40-EPB-260.11  
(1990)-for-which-treatment-standards-under-Subpart-B-are-not  
applicable, including-Gallifortia-list-wastes-subject-to-the-statutory  
prohibitions-of-Section-720.139-or-codified-prohibitions-under-Section  
720.132, are-prohibited-from-disposal-in-a-landfill-or-surface  
impoundment-unless-the-wastes-are-subject-to-a-valid-demonstration-and  
certification-pursuant-to-Section-720.108;  
i) go-determine-whether-a-hazardous-wastes-exceeds-the-applicable  
treatment-standards-specified-in-Section-720.141-or-720.143, the  
initial-generator-shall-test-a-representative-sample-of-the-waste  
extract-or-the-entire-waste, depending-on-whether-the-treatment  
standards-are-expressed-as-concentrations-in-the-waste-extract-or-the  
waste-or-the-generator-may-use-knowledge-of-the-waste. If-the-waste  
contain-constituents-in-excess-of-the-applicable-Subpart-B-levels, the  
wastes-is-prohibited-from-land-disposal-and-all-the-requirements-of  
this-part-are-applicable-except-as-otherwise-specified;

(Source: Repealed at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 728.135 Waste Specific Prohibitions -- Third Third Wastes (Repealed)

a) The-following-wastes-are-prohibited-from-land-disposal:  
1) the-wastes-specified-in-35-III.-Adm.-Code-721.131-as-U.S.-BPA  
hazardous-waste-numbers:  
P002-(1,1,1,2-trichloroethane)  
P005-(benzene)  
P005-(2-ethoxyethanol)  
P005-(2-nitropropane)  
P006-(wastewaters)  
P019  
P025  
P039-(wastewaters)  
2) the-wastes-specified-in-35-III.-Adm.-Code-721.132-as-U.S.-BPA  
hazardous-waste-numbers:  
K002  
K003  
K004-(wastewaters)  
K005-(wastewaters)  
K006  
K008-(wastewaters)  
K011-(wastewaters)  
K013-(wastewaters)  
K014-(wastewaters)

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P011-(wastewaters)

P012-(wastewaters)

P014

P015

P016

P017

P018

P020

P022

P023

P024

P026

P027

P028

P031

P033

P034

P036-(wastewaters)

P037

P038-(wastewaters)

P042

P045

P046

P047

P048

P049

P050

P051

P054

P056

P057

P058

P059

P060

P064

P065-(wastewaters)

P066

P067

P068

P069

P070

P072

P073

P075

P076

P077

P078

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P001

P002

P004

P008

P092-(wastewaters)

P093

P095

P096

P101

P102

P103

P105

P108

P110

P112

P113

P114

P115

P116

P118

P119

P120

P122

P123

4) The--wastes--specified--in--35--iii--Adm--Code--721.133(f)--as--U-S--BPA  
hazardous--waste--numbers:

U001

U002

U003

U004

U005

U006

U007

U008

U009

U010

U011

U012

U014

U015

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U132  
U133  
U134  
U135  
U136-(wastewaters)  
U137  
U138  
U140  
U141  
U142  
U143  
U144  
U145  
U146  
U147  
U148  
U149  
U150  
U151-(wastewaters)  
U152  
U153  
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- 4) Hazardous--soil having treatment standards in 720-Subpart-B based on incineration, mercury retorting or vitrification, and soils contaminated with hazardous wastes listed in Sections 720-1107, 720-1111 and 720-112 that are mixed radioactive hazardous wastes are prohibited from land disposal.
- 5) When used in subsections (e)(1) and (e)(2) of this Section debris is defined as follows:
- A) Debris as defined in Section 720-102(g); or
  - B) Nonfriable inorganic solids that are incapable of passing through a 9.5-mm standard sieve that require cutting or crushing and grinding in mechanical sizing equipment prior to stabilization, limited to the following inorganic or metal materials:
    - i) Metal slag (either gross or scoria);
    - ii) Glassified slag;
    - iii) Glass;
    - iv) Concrete (excluding cementitious or pozzolanic stabilized hazardous wastes);
    - v) Masonry and refractory bricks;
    - vi) Metal cans, containers, drums or tanks;
    - vii) Metal nuts, bolts, pipes, pumps, valves, appliances or industrial equipment; or
    - viii) Scrap metal as defined in 35-III-Adm-Code 721-101(c)(6).
- 6) This subsection corresponds with 40 CFR 268-35(f) which pertains to an exemption from a land disposal prohibition up until a date long since expired. This statement maintains structural consistency with US EPA rules.
- 7) This subsection corresponds with 40 CFR 268-35(g) which pertains to an exemption from a land disposal prohibition up until a date long since expired. This statement maintains structural consistency with US EPA rules.
- 8) This subsection corresponds with 40 CFR 268-35(h) which pertains to landfill and surface impoundment disposal of the wastes listed in subsections (c) and (e) above up until a date long since expired. This statement maintains structural consistency with US EPA rules.
- 9) The requirements of subsections (a) through (e) above do not apply to:
- 1) The wastes meet the applicable standards specified in Subpart-B of this Part;
  - 2) Persons have been granted an exemption from a prohibition pursuant to a petition under Section 720-1067 with respect to those wastes and units covered by the petition;
  - 3) The wastes meet the applicable alternate standards established pursuant to a petition granted under Section 720-144;
  - 4) Persons have been granted an extension to the effective date of a prohibition pursuant to Section 720-105 with respect to these wastes covered by the extension.

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- 3) To determine whether a hazardous waste listed in Section 720-1107, 720-1111 or 720-112 exceeds the applicable treatment standards specified in Sections 720-141 and 720-143, the initial generator shall either test a representative sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste or use knowledge of the waste. If the waste contains constituents in excess of the applicable Subpart-B of this Part levels, the waste is prohibited from land disposal, and all requirements of this Part are applicable except as otherwise specified.
- 4) B008--lead materials stored before secondary smelting are prohibited from land disposal. On or before March 1, 1993, the owner or operator of each secondary lead smelting facility shall have submitted the following to the Agency: A binding contractual commitment to construct or otherwise provide capacity for storing such B008 wastes prior to smelting which complies with all applicable storage standards; documentation that the capacity to be provided will be sufficient to manage the entire quantity of such B008 wastes; and, a detailed schedule for providing such capacity. Failure by a facility to have submitted such documentation will render such B008 managed by that facility prohibited from land disposal. In addition, the owner or operator of each facility shall place in the facility record documentation of the manner and location in which such wastes will be managed pending completion of such capacity, demonstrating that such management capacity will be adequate and complies with all applicable requirements of 35-III-Adm-Code 720-720 through 720-720.

(Source: Repealed at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 720.136 Waste Specific Prohibitions -- Newly Listed Wastes. (Repealed)

- a) The wastes specified in 35-III-Adm-Code 721-132 as U-S-BPA hazardous waste numbers K107-K109, K110-K112, K117-K119, K123-K124, K125-K126, K131-K132, K136, and the wastes specified in 35-III-Adm-Code 721-133 as U-S-BPA hazardous waste numbers B320, B353, and B359 are prohibited from land disposal.
- b) The wastes specified in 35-III-Adm-Code 721-131 as U-S-BPA hazardous waste numbers P037 and P038 that are not generated from surface impoundment, cleanouts or closures are prohibited from land disposal.
- c) Effective June 30, 1994, the wastes specified in 35-III-Adm-Code 721-131 as U-S-BPA hazardous waste numbers P037 and P038 that are generated from surface impoundment, cleanouts or closures are prohibited from land disposal.
- d) Effective June 30, 1994, radioactive wastes that are mixed with hazardous wastes specified in 35-III-Adm-Code 721-131 as U-S-BPA hazardous waste numbers P037 and P038, the wastes specified in 35-III-

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(Source: Repealed at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: TREATMENT STANDARDS

## Section 728.144 Adjustment of Treatment Standard

a) Where the treatment standard is expressed as a concentration in a waste or waste extract and a waste cannot be treated to the specified level, or where the treatment technology is not appropriate to the waste, the generator or treatment facility may petition to the Board for an adjusted treatment standard. As justification, the petitioner shall demonstrate that, because the physical or chemical properties of the waste differ significantly from wastes analyzed in developing the treatment standard, the waste cannot be treated to specified levels or by the specified methods.

BOARD NOTE: 40 CFR 268.44 refers to these as "treatability variances". The Board has not used this term in its rules to avoid confusion with the Board variances under Title IX of the Environmental Protection Act. The equivalent Board procedures are an "adjusted treatment standard" pursuant to subsections (a) through (l) of this Section, or a "treatability exception" adopted pursuant to subsections (m) et seq. While the latter is adopted by "identical in substance" rulemaking following a USEPA action, the former is an original Board action which will be the only mechanism following authorization to the State of this component of the RCRA program.

b) Each petition must be submitted in accordance with the procedures in 35 Ill. Adm. Code 106.Subpart G.

c) Each petition must include the following statement signed by the petitioner or an authorized representative:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this petition and all attached documents, and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

d) After receiving a petition for an adjusted treatment standard, the Board may request any additional information or samples which are necessary to evaluate the petition.

e) The Board will give public notice and provide an opportunity for public comment, as provided in 35 Ill. Adm. Code 106. In conjunction with any updating of the RCRA regulations, the Board will maintain, in this Part, a listing of all adjusted treatment standards granted by the Board pursuant to this Section. A listing of all adjusted

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Adm-Code-721-132-as-U-S-EPA-hazardous-waste-numbers-K107-K109-K110-K117-K119-K123-K124-K125-K131-K132-K136-K137-or-the-wastes-specified-in-35-III-Adm-Code-721-133(f)-as-U-S-EPA-hazardous-waste-numbers-U320-U353-and-U359-are-prohibited-from-land-disposal.

e) Effective-June-30-1994-debris-contaminated-with-hazardous-wastes-specified-in-35-III-Adm-Code-721-131-as-U-S-EPA-hazardous-waste-numbers-P037-and-P038-the-wastes-specified-in-35-III-Adm-Code-721-132-as-U-S-EPA-hazardous-waste-numbers-K107-K109-K110-K117-K119-K123-K124-K125-K126-K131-K132-and-K136-or-the-wastes-specified-in-35-III-Adm-Code-721-133(f)-as-U-S-EPA-hazardous-waste-numbers-U320-U353-and-U359-and-which-is-not-contaminated-with-any-other-waste-already-subject-to-a-prohibition are-prohibited-from-land-disposal.

f) This-subsection-corresponds-with-40-CFR-268-36(f)-which-pertains-to-landfill-disposal-of-the-wastes-listed-in-subsection-(b)-above-up-until-a-date-long-since-expired.-This-statement-maintains-structural-consistency-with-USEPA-rules.

g) Between-June-30-1992-and-June-30-1994-the-wastes-included-in-subsections-(d)-and-(e)-of-this-Section-may-be-disposed-of-in-a landfill-only-if-such-unit-is-in-compliance-with-the-requirements specified-in-subsection-728-105(h)(2)-and-may-be-generated-in-and disposed-of-in-a-surface-impoundment-only-if-such-unit-is-in compliance-with-either-subsection-728-105(h)(2)-or-Section-728-114.

h) The-requirements-of-subsections-(a)-through-(e)-above-do-not-apply-if-the-wastes-meet-the-applicable-standards-specified-in-728-Subpart D.

2) Persons-have-been-granted-an-exemption-from-a-prohibition pursuant-to-a-petition-under-Section-728-106-with-respect-to those-wastes-and-units-covered-by-the-petition?

3) The-wastes-meet-the-applicable-alternate-standards-established pursuant-to-a-petition-granted-under-Section-728-144.

4) Persons-have-been-granted-an-extension-to-the-effective-date-of-a prohibition-pursuant-to-Section-728-105-with-respect-to-the-wastes-covered-by-the-extension.

i) To-determine-whether-a-hazardous-waste-identified-in this-Section-exceeds-the-applicable-treatment standards-specified-in-Sections-728-141-and-728-143 the-initial-generator-shall-test-a-representative sample-of-the-waste-extract-or-the-entire-waste depending-on-whether-the-treatment-standards-are expressed-as-concentrations-in-the-waste-extract-or the-waste-or-the-generator-may-use-knowledge-of-the waste.-If-the-waste-contains-constituents-in-excess of-the-applicable-levels-in-728-Subpart-D-the-waste is-prohibited-from-land-disposal-and-all-requirements of-Part-728-are-applicable-except-as-otherwise specified.



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*standards granted pursuant to this Section will be published in the Illinois Register and Environmental Register at the end of each fiscal year.* (Section 28.1(d)(3) of the Environmental Protection Act [415 ILCS 5/28.1(d)(3)].)

- f) A generator, treatment facility or disposal facility that is managing a waste covered by an adjusted treatment standard shall comply with the waste analysis requirements for restricted wastes found under Section 728.107.
  - g) During the petition review process, the applicant is required to comply with all restrictions on land disposal under this Part once the effective date for the waste has been reached.
  - h) Where the treatment standard is expressed as a concentration in a waste or waste extract and a waste generated under conditions specific to only one site cannot be treated to the specified level, or where treatment technology is not appropriate to the waste, the generator or treatment facility may petition the Board for a site-specific adjusted treatment standard. The petitioner shall demonstrate that, because the physical or chemical properties of the waste differs significantly from the waste analyzed in developing the treatment standard, the waste cannot be treated to specified levels or by the specified methods.
  - i) Each petition for a site-specific adjusted treatment standard must include the information in 35 Ill. Adm. Code 720.120(b)(1) through (b)(4).
  - j) After receiving a petition for a site-specific adjusted treatment standard, the Board may request any additional information or samples which the Board determines are necessary to evaluate the petition.
  - k) A generator, treatment facility or disposal facility which is managing a waste covered by a site-specific adjusted treatment standard shall comply with the waste analysis requirements for restricted wastes in Section 728.107.
  - l) During the petition review process, the petitioner for a site-specific adjusted treatment standard shall comply with all restrictions on land disposal under this Part once the effective date for the waste has been reached.
  - m) If USEPA grants a treatability exception by regulatory action pursuant to 40 CFR 268.44 (1996) and a person demonstrates that the treatability exception needs to be adopted as part of the Illinois RCRA program because the waste is generated or managed in Illinois, the Board will adopt the treatability exception by identical in substance rulemaking pursuant to Section 22.4(a) of the Environmental Protection Act.
- BOARD NOTE:** The Board will adopt the treatability exception during a RCRA update Docket if a timely demonstration is made. Otherwise, the Board will assign the matter to a separate Docket.
- o) The facilities listed in Section 728.143(a) and 728.143(b) are excluded from the treatment standards standard under Section 728.143(a) and 728.143(b), and are subject to the constituent concentrations listed in Section

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728.143 H.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



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Section 728. APPENDIX A Toxicity Characteristic Leaching Procedure (TCLP)  
(Repealed)

Note: The RCLEP (Method-1311) is published in "Test Methods for Evaluating Solid Waste - Physical/Chemical Methods", U.S. EPA Publication SW-846, as incorporated by reference in 35 Ill. Adm. Code 720.111.

(Source: Repealed at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## Section 728. APPENDIX B Treatment Standards (As concentrations in the Treatment Residual Extract) (Repealed)

The Board incorporates by reference 40 CFR 260, Appendix II (1992), as amended at 57 Fed. Reg. 37281 (Aug. 18, 1992). This incorporation includes no future editions or amendments.

(Source: Repealed at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## Section 728.APPENDIX C List of Halogenated Organic Compounds (Repealed)

## VOLATILES

Bromodichloromethane  
 Bromomethane  
 Carbon-tetrachloride  
 Chlorobenzene  
 2-Chloro-1,3-butadiene  
 Chlorodibromomethane  
 Chloroethane  
 2-Chloroethyl-vinyl-ether  
 Chloroform  
 Chloromethane  
 3-Chloropropene  
 1,2-Dibromo-3-chloropropane  
 1,2-Dibromoethane  
 Dibromomethane  
 trans-1,4-Dichloro-2-butene  
 Dichlorodifluoromethane  
 1,1-Dichloroethane  
 1,2-Dichloroethane  
 1,1-Dichloroethylene  
 trans-1,2-Dichloroethene  
 1,2-Dichloropropane  
 trans-1,3-Dichloropropene  
 cis-1,3-Dichloropropene  
 Iodomethane  
 Methylene-chloride  
 1,1,1,2-Tetrachloroethane  
 1,1,2,2-Tetrachloroethane  
 Tetrachloroethene  
 Tribromomethane  
 1,1,1-Trichloroethane  
 1,1,2-Trichloroethane  
 Trichloroethene  
 Trichloromonofluoromethane  
 1,2,3-Trichloropropane  
 Vinyl-chloride

## SEMIVOLATILES

Bis(2-chloroethoxy)ethane  
 Bis(2-chloroethyl)-ether  
 Bis(2-chloroisopropyl)-ether  
 p-Chloroaniline  
 Chlorobenzilate  
 p-Chloro-m-cresol

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2-Chloronaphthalene  
 2-Chlorophenol  
 3-Chloropropionitrile  
 m-Dichlorobenzene  
 o-Dichlorobenzene  
 p-Dichlorobenzene  
 3,3'-Dichlorobenzidine  
 2,4-Dichlorophenol  
 2,6-Dichlorophenol  
 Hexachlorobenzene  
 Hexachlorobutadiene  
 Hexachlorocyclopentadiene  
 Hexachloroethane  
 Hexachlorophene  
 Hexachloropropene  
 4,4'-Methylenebis(2-chloroaniline)  
 Pentachlorobenzene  
 Pentachloroethane  
 Pentachloronitrobenzene  
 Pentachlorophenol  
 Pronamide  
 1,2,3,4,5-Pentachlorobenzene  
 2,3,4,5-Tetrachlorophenol  
 1,2,3,4-Trichlorobenzene  
 2,4,5-Trichlorophenol  
 2,4,6-Trichlorophenol  
 Tri(2,3-dibromopropyl)phosphate

## ORGANOCHLORINE PESTICIDES

Aldrin  
 alpha-BHC  
 beta-BHC  
 delta-BHC  
 gamma-BHC  
 Chlordane  
 BBB  
 BBE  
 BBF  
 Dieldrin  
 Endosulfan-I  
 Endosulfan-II  
 Endrin  
 Endrin-aldehyde  
 Heptachlor  
 Heptachlor-epoxide  
 Isodrin  
 Kepone

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Methoxychlor  
toxaphene

PHENOXYACETIC-ACID-HERBICIDES

274-Dichlorophenoxyacetic-acid  
Silvex  
27475-g

PEBS

Aroclor-1216  
Aroclor-1221  
Aroclor-1232  
Aroclor-1242  
Aroclor-1248  
Aroclor-1254  
Aroclor-1260

PEBS-not-otherwise-specified

BIOXINS-AND-FURANS

Hexachlorodibenzo-p-dioxins  
Hexachlorodibenzofuran  
Pentachlorodibenzo-p-dioxins  
Pentachlorodibenzofuran  
Tetrachlorodibenzo-p-dioxins  
Tetrachlorodibenzofuran  
273-778-Tetrachlorodibenzo-p-dioxin

(Source: Repealed at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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Section 728.APPENDIX F Technologies to Achieve Deactivation of Characteristics

The treatment standard for many characteristic wastes is stated in the Section 728 Table T, entitled "Treatment Standards for Hazardous Wastes", as "DEACT and meet Section 728.148 standards" ~~subcategories of B0017-B002-and-B003-wastes-as well-as-for-K047--K047-wastes-is-listed-in-Section-728.142-simply-as "deactivation-to-remove-the-characteristics-of-ignitability--corrosivity--and reactivity".~~ USEPA has determined that many technologies, when used alone or in combination, can achieve the deactivation portion of the treatment this standard. Characteristic wastes that are not managed in a facility regulated by the CWA or in a CWA-equivalent facility, and that also contain underlying hazardous constituents (see Section 728.102(i)) must be treated not only by a "deactivating" technology to remove the characteristic, but also to achieve constituents. This appendix ~~the--following~~ presents a partial list of these technologies, utilizing the five letter technology codes established in Table C, that may be useful in meeting the treatment standard. Use of these specific technologies is not mandatory and does not preclude direct reuse, recovery or the use of other pretreatment technologies; provided deactivation is achieved and underlying hazardous constituents are treated to achieve the UTS ~~these alternative methods are not performed in units designated-as-land-disposal.~~

Waste code/subcategory	Nonwastewaters	Wastewaters
D001 Ignitable Liquids based on 35 Ill. Adm. Code 721.121(a)(1)--Low TOC Nonwastewater Subcategory (containing 1% O <10% TOC)	RORGs WETOX INCIN CHOXD BIODG	n.a.
D001 Ignitable Liquids based on 35 Ill. Adm. Code 721.121(a)(1)--Ignitable Wastewater Subcategory (containing <1% TOC)	n.a.	WETOX RORGs INCIN BIODG
D001 Compressed Gases based on 35 Ill. Adm. Code 721.121(a)(3)	RCCAS FSUBS INCIN ADGAS fb. INCIN ADGAS fb. (CHOXD; or CHRED)	n.a.
D001 Ignitable Reactives based on 35 Ill. Adm. Code 721.121(a)(2)	WTRRX CHOXD CHRED STABL	n.a.



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D001 Ignitable Oxidizers based on 35 Ill.  
Adm. Code 721.121(a)(4)

CHRED  
INCIN

D002 Acid Subcategory based on 35 Ill.  
Adm. Code 721.122(a)(1) with pH less than  
or equal to 2

RCORR  
NEUTR  
INCIN

D002 Alkaline Subcategory based on 35 Ill.  
Adm. Code 721.122(a)(1) with pH greater  
than or equal to 12.5

NEUTR  
INCIN

D002 Other Corrosive based on 35 Ill.  
Adm. Code 721.122(a)(2)

CHOXD  
CHRED  
INCIN  
STABL

D003 Water Reactives based on 35 Ill.  
Adm. Code 721.123(a)(2), (3) and (4)

n.a.  
WTRRX  
CHOXD  
CHRED

D003 Reactive Sulfides based on 35 Ill.  
Adm. Code 721.123(a)(5)

CHOXD  
CHRED  
BODG  
INCIN

D003 Explosives based on 35 Ill. Adm.  
Code 721.123(a)(6), (7) and

INCIN  
CHOXD  
CHRED  
BODG  
CARBN

D003 Other Reactives based on 35 Ill.  
Adm. Code 721.123(a)(1)

INCIN  
CHOXD  
CHRED  
BODG  
CARBN

K044 Wastewater treatment sludges from  
the manufacturing and processing of  
explosives

CHOXD  
CHRED  
INCIN

K045 Spent carbon from the treatment of  
wastewaters containing explosives

CHOXD  
CHRED

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INCIN

BODG  
CARBN  
INCIN

K047 Pink/redwater from TNT operations

CHOXD  
CHRED  
INCIN

Note: "n.a." stands for "not applicable".

"fb." stands for "followed by".

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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D009	All others	Aug. 8, 1990.
D010	All	Aug. 8, 1990.
D011	All	Aug. 8, 1990.
D012 (that exhibit the toxicity characteristic based on the TCLP)(d)	All	Dec. 14, 1994. Aug.-07-1990-
D013 (that exhibit the toxicity characteristic based on the TCLP)(d)	All	Dec. 14, 1994. Aug.-07-1990-
D014 (that exhibit the toxicity characteristic based on the TCLP)(d)	All	Dec. 14, 1994. Aug.-07-1990-
D015 (that exhibit the toxicity characteristic based on the TCLP)(d)	All	Dec. 14, 1994. Aug.-07-1990-
D016 (that exhibit the toxicity characteristic based on the TCLP)(d)	All	Dec. 14, 1994. Aug.-07-1990-
D017 (that exhibit the toxicity characteristic based on the TCLP)(d)	All	Dec. 14, 1994. Aug.-07-1990-
D018	Mixed with radioactive wastes	Sep. 19, 1996.
D019	All others	Dec. 19, 1994.
D020	Mixed with radioactive wastes	Sep. 19, 1996.
D021	All others	Dec. 19, 1994.
D022	Mixed with radioactive wastes	Sep. 19, 1996.
D023	All others	Dec. 19, 1994.
D024	Mixed with radioactive wastes	Sep. 19, 1996.
D025	All others	Dec. 19, 1994.
D026	Mixed with radioactive wastes	Sep. 19, 1996.

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Section 728. APPENDIX G Federal Effective Dates

The following are the effective dates for the USEPA rules in 40 CFR 268. These generally became effective as Illinois rules at a later date.

TABLE 1  
EFFECTIVE DATES OF SURFACE DISPOSED WASTES (NON-SOIL AND DEBRIS) REGULATED IN THE LDRS--(A) COMPREHENSIVE LIST

Waste code	Waste category	Effective date
California-list	Liquid-hazardous-wastes, including free liquids--associated--with--solid--or sludge--containing--free--cyanides--at concentrations greater than or equal to 1,000--mg/l--or--certain--metals--or compounds--of--these--metals--greater--than or equal to the prohibition levels	July 8, 1987-
California-list	Liquid--(aqueous)--hazardous--wastes having a pH less than or equal to 2	July 8, 1987-
California-list	Bitute--HOC--wastewaters,--defined--as HOC waste mixtures--that are primarily water and that contain greater than or equal to--1,000--mg/l--but--less--than 10,000--mg/l	July 8, 1987-
California-list	Liquid--hazardous--waste--containing--PCBS greater than or equal to 50 ppm	July 8, 1987-
California-list	Other liquid--and--nonliquid--hazardous wastes--containing--HOCs--in--total concentration greater than or equal to 1,000--mg	Nov--07-1980-
D001(c)	All (except High TOC Ignitable Liquids)	Aug. 9, 1993. Aug.-07-1990-
D001	High TOC Ignitable Liquids	Aug. 8, 1990.
D002(c)	All	Aug. 9, 1993.
D003(e)	All	Aug.-07-1990-
B004	Wastewater	July 8, 1996.
D004	Nonwastewater	Aug.-07-1990-
D005	All	Aug.-07-1990-
D006	All	May 8, 1992.
D007	Lead materials before secondary smelting	Aug. 8, 1990.
D008	All others	May 8, 1992.
D009	Nonwastewater	Aug. 8, 1990. May 8, 1992.





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F032	All others	May 12, 1997.	K022	Wastewater	Aug. 8, 1990.
F033	Mixed with radioactive wastes	May 12, 1999.	K022	Nonwastewater	Aug. 8, 1988.
F033	All others	May 12, 1997.	K023	All	June 8, 1989.
F034	Mixed with radioactive wastes	May 12, 1999.	K024	All	Aug. 8, 1988.
F034	All others	May 12, 1997.	K025	Wastewater	Aug. 8, 1990.
F037	Not all generated from surface impoundment cleanouts or closures	June 30, 1993.	K025 e	Nonwastewater	Aug. 8, 1988.
F037	Generated from surface impoundment cleanouts or closures	June 30, 1994.	K026	All	Aug. 8, 1990.
F037	Mixed with radioactive wastes	June 30, 1994.	K027	All	June 8, 1989.
F038	Not generated from surface impoundment cleanouts or closures	June 30, 1993.	K028	Nonwastewater	Aug. 8, 1990.
F038	Generated from surface impoundment cleanouts or closures	June 30, 1994.	K028 (metals)	All others	June 8, 1989.
F039	Wastewater	Aug. 8, 1990.	K029	Wastewater	Aug. 8, 1990.
F039	Nonwastewater	May 8, 1992.	K029	Nonwastewater	June 8, 1989.
K001 (organics)	All	Aug. 8, 1988.	K030	All	Aug. 8, 1988.
(b)B			K031	Wastewater	Aug. 8, 1990.
K001	All others	Aug. 8, 1988.	K031	Nonwastewater	May 8, 1992.
K002	All	Aug. 8, 1990.	K032	All	Aug. 8, 1990.
K003	All	Aug. 8, 1990.	K033	All	Aug. 8, 1990.
K004	Wastewater	Aug. 8, 1990.	F034	All	Aug. 8, 1990.
K004 e	Nonwastewater	Aug. 8, 1988.	F035	All	June 8, 1989.
K005	Wastewater	Aug. 8, 1990.	K036	Wastewater	Aug. 8, 1988.
K005 e	Nonwastewater	June 8, 1989.	K036 e	Nonwastewater	Aug. 8, 1988.
K006	All	Aug. 8, 1990.	K037 (b)B	Wastewater	Aug. 8, 1988.
K007	Wastewater	Aug. 8, 1989.	K037	Nonwastewater	Aug. 8, 1988.
K007 e	Nonwastewater	June 8, 1989.	K038	All	June 8, 1989.
K008	Wastewater	Aug. 8, 1990.	K039	All	June 8, 1989.
K008 e	Nonwastewater	Aug. 8, 1988.	K040	All	June 8, 1989.
K009	All	June 8, 1989.	K041	All	Aug. 8, 1990.
K010	Wastewater	June 8, 1989.	K042	All	Aug. 8, 1990.
K011	Nonwastewater	Aug. 8, 1990.	K043	All	June 8, 1989.
K011	Wastewater	Aug. 8, 1989.	K044 e	All	Aug. 8, 1988.
K013	Nonwastewater	Aug. 8, 1990.	K045 e	All	Aug. 8, 1988.
K013	Wastewater	June 8, 1989.	K046	Nonwastewater	Aug. 8, 1988.
K014	Nonwastewater	June 8, 1989.	(Nonreactive)		
K014	Wastewater	June 8, 1989.	K046	All others	Aug. 8, 1990.
K015	Nonwastewater	Aug. 8, 1988.	K047 e	All	Aug. 8, 1988.
K015	Wastewater	Aug. 8, 1990.	K048	Wastewater	Aug. 8, 1990.
K016	Nonwastewater	Aug. 8, 1988.	K048	Nonwastewater	Nov. 8, 1990.
K017	All	Aug. 8, 1990.	K049	Wastewater	Aug. 8, 1990.
K018	All	Aug. 8, 1988.	K049	Nonwastewater	Nov. 8, 1990.
K019	All	Aug. 8, 1988.	K050	Wastewater	Aug. 8, 1990.
K020	Wastewater	Aug. 8, 1990.	K051	Nonwastewater	Nov. 8, 1990.
K021	Nonwastewater	Aug. 8, 1988.	K052	Wastewater	Aug. 8, 1990.
K021 e	Nonwastewater	Aug. 8, 1988.	K060	Nonwastewater	Aug. 8, 1990.
			K060 e	Wastewater	Aug. 8, 1988.
			K061	Nonwastewater	Aug. 8, 1990.



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K0149	Mixed with radioactive wastes	P029	All	June 8, 1989.
K0149	All others	P030	All	June 8, 1989.
K0150	Mixed with radioactive wastes	P031	All	Aug. 8, 1990.
K0150	All others	P033	All	Aug. 8, 1990.
K0151	Mixed with radioactive wastes	P034	All	Aug. 8, 1990.
K0151	All others	P036	Wastewater	Aug. 8, 1990.
K0156	Mixed with radioactive wastes	P037	Nonwastewater	May 8, 1992.
K0156	All others	P038	Wastewater	Aug. 8, 1990.
K0157	Mixed with radioactive wastes	P038	Nonwastewater	Aug. 8, 1990.
K0157	All others	P039	Wastewater	May 8, 1992.
K0158	Mixed with radioactive wastes	P040	Nonwastewater	June 8, 1989.
K0158	All others	P041	All	June 8, 1989.
K0159	Mixed with radioactive wastes	P042	All	June 8, 1989.
K0159	All others	P043	All	Aug. 8, 1990.
K0160	Mixed with radioactive wastes	P044	All	June 8, 1989.
K0160	All others	P045	All	June 8, 1989.
K0161	Mixed with radioactive wastes	P046	All	Aug. 8, 1990.
K0161	All others	P047	All	Aug. 8, 1990.
P001	All	P048	All	Aug. 8, 1990.
P002	All	P049	All	Aug. 8, 1990.
P003	All	P050	All	Aug. 8, 1990.
P004	All	P051	All	Aug. 8, 1990.
P005	All	P054	All	Aug. 8, 1990.
P006	All	P056	All	Aug. 8, 1990.
P007	All	P057	All	Aug. 8, 1990.
P008	All	P058	All	Aug. 8, 1990.
P009	All	P059	All	Aug. 8, 1990.
P010	Wastewater	P060	All	Aug. 8, 1990.
P010	Nonwastewater	P062	All	June 8, 1989.
P011	Wastewater	P063	All	June 8, 1989.
P011	Nonwastewater	P064	All	Aug. 8, 1990.
P012	Wastewater	P065	All	Aug. 8, 1990.
P012	Nonwastewater	P065	Wastewater	May 8, 1992.
P013	Nonwastewater	P066	Nonwastewater	Aug. 8, 1990.
P013 (barium)	All others	P067	All	Aug. 8, 1990.
P014	All	P068	All	Aug. 8, 1990.
P015	All	P069	All	Aug. 8, 1990.
P016	All	P070	All	Aug. 8, 1990.
P017	All	P071	All	June 8, 1989.
P018	All	P072	All	Aug. 8, 1990.
P020	All	P073	All	Aug. 8, 1990.
P021	All	P074	All	June 8, 1989.
P022	All	P075	All	Aug. 8, 1990.
P023	All	P076	All	Aug. 8, 1990.
P024	All	P077	All	Aug. 8, 1990.
P026	All	P078	All	Aug. 8, 1990.
P027	All	P081	All	Aug. 8, 1990.
P028	All			



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P082	All	Aug. 8, 1990.
P084	All	Aug. 8, 1990.
P085	All	June 8, 1989.
P087	All	May 8, 1992.
P088	All	Aug. 8, 1990.
P089	All	June 8, 1989.
P092	Wastewater	Aug. 8, 1990.
P092	Nonwastewater	May 8, 1992.
P093	All	Aug. 8, 1990.
P094	All	June 8, 1989.
P095	All	Aug. 8, 1990.
P096	All	Aug. 8, 1990.
P097	All	June 8, 1989.
P098	All	June 8, 1989.
P099 (silver)	Wastewater	Aug. 8, 1990.
P099	All others	June 8, 1989.
P101	All	June 8, 1990.
P102	All	Aug. 8, 1990.
P103	All	Aug. 8, 1990.
P104 (silver)	Wastewater	Aug. 8, 1990.
P104	All others	June 8, 1989.
P105	All	Aug. 8, 1990.
P106	All	June 8, 1989.
P108	All	Aug. 8, 1990.
P109	All	June 8, 1989.
P110	All	Aug. 8, 1990.
P111	All	June 8, 1989.
P112	All	Aug. 8, 1990.
P113	All	Aug. 8, 1990.
P114	All	Aug. 8, 1990.
P115	All	Aug. 8, 1990.
P116	All	Aug. 8, 1990.
P118	All	Aug. 8, 1990.
P119	All	Aug. 8, 1990.
P120	All	Aug. 8, 1990.
P121	All	June 8, 1989.
P122	All	Aug. 8, 1990.
P123	All	Aug. 8, 1990.
P127	Mixed with radioactive wastes	Apr. 8, 1998.
P127	All others	July 8, 1996.
P128	Mixed with radioactive wastes	Apr. 8, 1998.
P128	All others	July 8, 1996.
P185	Mixed with radioactive wastes	Apr. 8, 1998.
P185	All others	July 8, 1996.
P188	Mixed with radioactive wastes	Apr. 8, 1998.
P188	All others	July 8, 1996.
P189	Mixed with radioactive wastes	Apr. 8, 1998.
P189	All others	July 8, 1996.

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P190	Mixed with radioactive wastes	Apr. 8, 1998.
P190	All others	July 8, 1996.
P191	Mixed with radioactive wastes	Apr. 8, 1998.
P191	All others	July 8, 1996.
P192	Mixed with radioactive wastes	Apr. 8, 1998.
P192	All others	July 8, 1996.
P194	Mixed with radioactive wastes	Apr. 8, 1998.
P194	All others	July 8, 1996.
P196	Mixed with radioactive wastes	Apr. 8, 1998.
P196	All others	July 8, 1996.
P197	Mixed with radioactive wastes	Apr. 8, 1998.
P197	All others	July 8, 1996.
P198	Mixed with radioactive wastes	Apr. 8, 1998.
P199	Mixed with radioactive wastes	July 8, 1996.
P199	All others	Apr. 8, 1998.
P201	Mixed with radioactive wastes	July 8, 1996.
P201	All others	Apr. 8, 1998.
P202	Mixed with radioactive wastes	July 8, 1996.
P202	All others	Apr. 8, 1998.
P203	Mixed with radioactive wastes	July 8, 1996.
P203	All others	Apr. 8, 1998.
P204	Mixed with radioactive wastes	Apr. 8, 1998.
P204	All others	July 8, 1996.
P205	Mixed with radioactive wastes	Apr. 8, 1998.
P205	All others	July 8, 1996.
U001	All	Aug. 8, 1990.
U002	All	Aug. 8, 1990.
U003	All	Aug. 8, 1990.
U004	All	Aug. 8, 1990.
U005	All	Aug. 8, 1990.
U006	All	Aug. 8, 1990.
U007	All	Aug. 8, 1990.
U008	All	Aug. 8, 1990.
U009	All	Aug. 8, 1990.
U010	All	Aug. 8, 1990.
U011	All	Aug. 8, 1990.
U012	All	Aug. 8, 1990.
U014	All	Aug. 8, 1990.
U015	All	Aug. 8, 1990.
U016	All	Aug. 8, 1990.
U017	All	Aug. 8, 1990.
U018	All	Aug. 8, 1990.
U019	All	Aug. 8, 1990.
U020	All	Aug. 8, 1990.
U021	All	Aug. 8, 1990.
U022	All	Aug. 8, 1990.
U023	All	Aug. 8, 1990.

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U074	All	Aug. 8, 1990.
U075	All	Aug. 8, 1990.
U076	All	Aug. 8, 1990.
U077	All	Aug. 8, 1990.
U078	All	Aug. 8, 1990.
U079	All	Aug. 8, 1990.
U080	All	Aug. 8, 1990.
U081	All	Aug. 8, 1990.
U082	All	Aug. 8, 1990.
U083	All	Aug. 8, 1990.
U084	All	Aug. 8, 1990.
U085	All	Aug. 8, 1990.
U086	All	Aug. 8, 1990.
U087	All	Aug. 8, 1990.
U088	All	Aug. 8, 1990.
U089	All	Aug. 8, 1990.
U090	All	Aug. 8, 1990.
U091	All	Aug. 8, 1990.
U092	All	Aug. 8, 1990.
U093	All	Aug. 8, 1990.
U094	All	Aug. 8, 1990.
U095	All	Aug. 8, 1990.
U096	All	Aug. 8, 1990.
U097	All	Aug. 8, 1990.
U098	All	Aug. 8, 1990.
U099	All	Aug. 8, 1990.
U101	All	Aug. 8, 1990.
U102	All	Aug. 8, 1990.
U103	All	Aug. 8, 1990.
U105	All	Aug. 8, 1990.
U106	All	Aug. 8, 1990.
U107	All	Aug. 8, 1990.
U108	All	Aug. 8, 1990.
U109	All	Aug. 8, 1990.
U110	All	Aug. 8, 1990.
U111	All	Aug. 8, 1990.
U112	All	Aug. 8, 1990.
U113	All	Aug. 8, 1990.
U114	All	Aug. 8, 1990.
U115	All	Aug. 8, 1990.
U116	All	Aug. 8, 1990.
U117	All	Aug. 8, 1990.
U118	All	Aug. 8, 1990.
U119	All	Aug. 8, 1990.
U120	All	Aug. 8, 1990.
U121	All	Aug. 8, 1990.
U122	All	Aug. 8, 1990.
U123	All	Aug. 8, 1990.

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U024	All	Aug. 8, 1990.
U025	All	Aug. 8, 1990.
U026	All	Aug. 8, 1990.
U027	All	Aug. 8, 1990.
U028	All	Aug. 8, 1990.
U029	All	Aug. 8, 1990.
U030	All	Aug. 8, 1990.
U031	All	Aug. 8, 1990.
U032	All	Aug. 8, 1990.
U033	All	Aug. 8, 1990.
U034	All	Aug. 8, 1990.
U035	All	Aug. 8, 1990.
U036	All	Aug. 8, 1990.
U037	All	Aug. 8, 1990.
U038	All	Aug. 8, 1990.
U039	All	Aug. 8, 1990.
U041	All	Aug. 8, 1990.
U042	All	Aug. 8, 1990.
U043	All	Aug. 8, 1990.
U044	All	Aug. 8, 1990.
U045	All	Aug. 8, 1990.
U046	All	Aug. 8, 1990.
U047	All	Aug. 8, 1990.
U048	All	Aug. 8, 1990.
U049	All	Aug. 8, 1990.
U050	All	Aug. 8, 1990.
U051	All	Aug. 8, 1990.
U052	All	Aug. 8, 1990.
U053	All	Aug. 8, 1990.
U055	All	Aug. 8, 1990.
U056	All	Aug. 8, 1990.
U057	All	Aug. 8, 1990.
U058	All	Aug. 8, 1990.
U059	All	Aug. 8, 1990.
U060	All	Aug. 8, 1990.
U061	All	Aug. 8, 1990.
U062	All	Aug. 8, 1990.
U063	All	Aug. 8, 1990.
U064	All	Aug. 8, 1990.
U066	All	Aug. 8, 1990.
U067	All	Aug. 8, 1990.
U068	All	Aug. 8, 1990.
U069	All	Aug. 8, 1990.
U070	All	Aug. 8, 1990.
U071	All	Aug. 8, 1990.
U072	All	Aug. 8, 1990.
U073	All	Aug. 8, 1990.

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U124	All	Aug. 8, 1990.	U171	All	Aug. 8, 1990.
U125	All	Aug. 8, 1990.	U172	All	Aug. 8, 1990.
U126	All	Aug. 8, 1990.	U173	All	Aug. 8, 1990.
U127	All	Aug. 8, 1990.	U174	All	Aug. 8, 1990.
U128	All	Aug. 8, 1990.	U176	All	Aug. 8, 1990.
U129	All	Aug. 8, 1990.	U177	All	Aug. 8, 1990.
U130	All	Aug. 8, 1990.	U178	All	Aug. 8, 1990.
U131	All	Aug. 8, 1990.	U179	All	Aug. 8, 1990.
U132	All	Aug. 8, 1990.	U180	All	Aug. 8, 1990.
U133	All	Aug. 8, 1990.	U181	All	Aug. 8, 1990.
U134	All	Aug. 8, 1990.	U182	All	Aug. 8, 1990.
U135	All	Aug. 8, 1990.	U183	All	Aug. 8, 1990.
U136	Wastewater	Aug. 8, 1990.	U184	All	Aug. 8, 1990.
U137	Nonwastewater	May 8, 1992.	U185	All	Aug. 8, 1990.
U138	All	Aug. 8, 1990.	U186	All	Aug. 8, 1990.
U140	All	Aug. 8, 1990.	U187	All	Aug. 8, 1990.
U141	All	Aug. 8, 1990.	U188	All	Aug. 8, 1990.
U142	All	Aug. 8, 1990.	U189	All	Aug. 8, 1990.
U143	All	Aug. 8, 1990.	U190	All	June 8, 1989.
U144	All	Aug. 8, 1990.	U191	All	Aug. 8, 1990.
U145	All	Aug. 8, 1990.	U192	All	Aug. 8, 1990.
U146	All	Aug. 8, 1990.	U193	All	Aug. 8, 1990.
U147	All	Aug. 8, 1990.	U194	All	June 8, 1989.
U148	All	Aug. 8, 1990.	U196	All	<del>Aug. 8, 1990.</del>
U149	All	Aug. 8, 1990.	U197	All	Aug. 8, 1990.
U150	All	Aug. 8, 1990.	U200	All	Aug. 8, 1990.
U151	Wastewater	Aug. 8, 1990.	U201	All	Aug. 8, 1990.
U151	Nonwastewater	Aug. 8, 1990.	U202	All	Aug. 8, 1990.
U152	All	May 8, 1992.	U203	All	Aug. 8, 1990.
U153	All	Aug. 8, 1990.	U204	All	Aug. 8, 1990.
U154	All	Aug. 8, 1990.	U205	All	Aug. 8, 1990.
U155	All	Aug. 8, 1990.	U206	All	Aug. 8, 1990.
U156	All	Aug. 8, 1990.	U207	All	Aug. 8, 1990.
U157	All	Aug. 8, 1990.	U208	All	Aug. 8, 1990.
U158	All	Aug. 8, 1990.	U209	All	Aug. 8, 1990.
U159	All	Aug. 8, 1990.	U210	All	Aug. 8, 1990.
U160	All	Aug. 8, 1990.	U211	All	Aug. 8, 1990.
U161	All	Aug. 8, 1990.	U213	All	Aug. 8, 1990.
U162	All	Aug. 8, 1990.	U214	All	Aug. 8, 1990.
U163	All	Aug. 8, 1990.	U215	All	Aug. 8, 1990.
U164	All	Aug. 8, 1990.	U216	All	Aug. 8, 1990.
U165	All	Aug. 8, 1990.	U217	All	Aug. 8, 1990.
U166	All	Aug. 8, 1990.	U218	All	Aug. 8, 1990.
U167	All	Aug. 8, 1990.	U219	All	Aug. 8, 1990.
U168	All	Aug. 8, 1990.	U220	All	Aug. 8, 1990.
U169	All	Aug. 8, 1990.	U221	All	June 8, 1989.
U170	All	Aug. 8, 1990.	U222	All	Aug. 8, 1990.

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U171	All	Aug. 8, 1990.
U172	All	Aug. 8, 1990.
U173	All	Aug. 8, 1990.
U174	All	Aug. 8, 1990.
U176	All	Aug. 8, 1990.
U177	All	Aug. 8, 1990.
U178	All	Aug. 8, 1990.
U179	All	Aug. 8, 1990.
U180	All	Aug. 8, 1990.
U181	All	Aug. 8, 1990.
U182	All	Aug. 8, 1990.
U183	All	Aug. 8, 1990.
U184	All	Aug. 8, 1990.
U185	All	Aug. 8, 1990.
U186	All	Aug. 8, 1990.
U187	All	Aug. 8, 1990.
U188	All	Aug. 8, 1990.
U189	All	Aug. 8, 1990.
U190	All	June 8, 1989.
U191	All	Aug. 8, 1990.
U192	All	Aug. 8, 1990.
U193	All	Aug. 8, 1990.
U194	All	June 8, 1989.
U196	All	<del>Aug. 8, 1990.</del>
U197	All	Aug. 8, 1990.
U200	All	Aug. 8, 1990.
U201	All	Aug. 8, 1990.
U202	All	Aug. 8, 1990.
U203	All	Aug. 8, 1990.
U204	All	Aug. 8, 1990.
U205	All	Aug. 8, 1990.
U206	All	Aug. 8, 1990.
U207	All	Aug. 8, 1990.
U208	All	Aug. 8, 1990.
U209	All	Aug. 8, 1990.
U210	All	Aug. 8, 1990.
U211	All	Aug. 8, 1990.
U213	All	Aug. 8, 1990.
U214	All	Aug. 8, 1990.
U215	All	Aug. 8, 1990.
U216	All	Aug. 8, 1990.
U217	All	Aug. 8, 1990.
U218	All	Aug. 8, 1990.
U219	All	Aug. 8, 1990.
U220	All	Aug. 8, 1990.
U221	All	June 8, 1989.
U222	All	Aug. 8, 1990.



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[illegible]

## NOTICE OF PROPOSED AMENDMENTS

U223	All	June 8, 1989.
U225	All	Aug. 8, 1990.
U226	All	Aug. 8, 1990.
U227	All	Aug. 8, 1990.
U228	All	Aug. 8, 1990.
U234	All	Aug. 8, 1990.
U235	All	Aug. 8, 1990.
U236	All	Aug. 8, 1990.
U237	All	Aug. 8, 1990.
U238	All	Aug. 8, 1990.
U239	All	Aug. 8, 1990.
U240	All	Aug. 8, 1990.
U243	All	Aug. 8, 1990.
U244	All	Aug. 8, 1990.
U246	All	Aug. 8, 1990.
U247	All	Aug. 8, 1990.
U248	All	Aug. 8, 1990.
U249	All	Aug. 8, 1990.
U271	Mixed with radioactive wastes	Apr. 8, 1998.
U271	All others	July 8, 1996.
U277	Mixed with radioactive wastes	Apr. 8, 1998.
U277	All others	July 8, 1996.
U278	Mixed with radioactive wastes	Apr. 8, 1998.
U278	All others	July 8, 1996.
U279	Mixed with radioactive wastes	Apr. 8, 1998.
U279	All others	July 8, 1996.
U280	Mixed with radioactive wastes	Apr. 8, 1998.
U280	All others	July 8, 1996.
U328	Mixed with radioactive wastes	June 30, 1994.
U328	All others	Nov. 9, 1992.
U353	Mixed with radioactive wastes	June 30, 1994.
U353	All others	Nov. 9, 1992.
U359	Mixed with radioactive wastes	June 30, 1994.
U359	All others	Nov. 9, 1992.
U364	Mixed with radioactive wastes	Apr. 8, 1998.
U364	All others	July 8, 1996.
U365	Mixed with radioactive wastes	Apr. 8, 1998.
U365	All others	July 8, 1996.
U366	Mixed with radioactive wastes	Apr. 8, 1998.
U366	All others	July 8, 1996.
U367	Mixed with radioactive wastes	Apr. 8, 1998.
U367	All others	July 8, 1996.
U372	Mixed with radioactive wastes	Apr. 8, 1998.
U372	All others	July 8, 1996.
U373	Mixed with radioactive wastes	Apr. 8, 1998.
U373	All others	July 8, 1996.
U375	Mixed with radioactive wastes	Apr. 8, 1998.
U375	All others	July 8, 1996.

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U407	Mixed with radioactive wastes	Apr. 8, 1998.
U407	All others	July 8, 1996.
U409	Mixed with radioactive wastes	Apr. 8, 1998.
U409	All others	July 8, 1996.
U410	Mixed with radioactive wastes	Apr. 8, 1998.
U410	All others	July 8, 1996.
U411	Mixed with radioactive wastes	Apr. 8, 1998.
U411	All others	July 8, 1996.

(a) This table does not include mixed radioactive wastes (from the First, Second, and Third rules) which are receiving a national capacity variance until May 8, 1992, for all applicable treatment technologies. This table does not include contaminated soil and debris wastes.

(b) The standard was ~~has been~~ revised in the Third Final Rule (adopted by USEPA at 55 Fed. Reg. 22520 (June 1, 1990) and by the Board in docket R90-11 by orders dated April 11, May 23, and August 8 and 22, 1991).

(c) USEPA amended the ~~No-land-disposal~~ standard ~~has been revised~~ in the Third Third Emergency Final Rule (at 58 Fed. Reg. 29860 (May 24, 1993)), which the Board adopted in docket R93-16 on March 17, 1994; the original effective date was August 8, 1990.

(d) The standard was revised in the Phase II Final Rule (which USEPA adopted at 59 Fed. Reg. 47982 (Sept. 19, 1994) and the Board adopted in docket R95-6 by orders dated June 1 and 15, 1995); the original effective date was August 8, 1990.

(e) The standards for selected reactive wastes was revised in the Phase II Final Rule (which USEPA adopted at 61 Fed. Reg. 15566 (Apr. 8, 1996) and the Board adopted in docket R96-10/R97-3/R97-5 (consolidated) by an order dated November 6, 1997); the original effective date was August 8, 1990.

TABLE 2  
SUMMARY OF EFFECTIVE DATES OF LAND DISPOSAL RESTRICTIONS  
FOR CONTAMINATED SOIL AND DEBRIS (CSD)

Restricted hazardous waste in CSD	Effective date
1. Solvent-(F001-F005) and dioxin-(F020-F023 and F026-F028) containing soil and debris from CERCLA response of RCRA corrective actions.	Nov. 8, 1990.
2. Soil and debris not from CERCLA response or RCRA corrective actions contaminated with less than 1% total solvents (F001-F005) or	Nov. 8, 1988.

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3.	dioxins (F020-F023 and F026-F028). Soil <del>and</del> <del>debris</del> <del>contaminated</del> <del>with</del> <del>California-1st-HQs-from-CERCLA-response-or-RCRA-corrective-actions.</del> Nov. 8, 1990.
4.	Soil <del>and</del> <del>debris</del> <del>contaminated</del> <del>with</del> <del>California-1st-HQs-not-from-CERCLA-response-or-RCRA-corrective-actions.</del> July 8, 1989.
35.	All soil and debris contaminated with First Third wastes for which treatment standards are based on incineration. Aug. 8, 1990.
46.	All soil and debris contaminated with Second Third wastes for which treatment standards are based on incineration. June 8, 1991.
57.	All soil and debris contaminated with Third Third wastes or, First or Second Third "soft hammer" wastes which had treatment standards promulgated in the Third Third rule, for which treatment standards are based on incineration, vitrification, or mercury retorting, acid leaching followed by chemical precipitation, or thermal recovery of metals, as well as all inorganic solids debris contaminated with D004-D011 wastes, and all soil and debris contaminated with mixed RCRA/radioactive wastes. May 8, 1992.
6.	Soil and debris contaminated with D012-D043, K141-K145, and K147-L51 wastes. Dec. 19, 1994.
7.	Debris (only) contaminated with F037, F038, K107-K112, K117, K118, K123-K126, K131, K132, K136, U328, U353, U359. Dec. 19, 1994.
8.	Soil and debris contaminated with K156-K161, P127, P128, P188-P192, P194, P196-P199, P201-P205, U271, U277-U280, U364-U367, U372, U373, U375-U379, U381-U387, U389-U396, U400-U404, U407, and U409-U411 wastes. July 8, 1996.
9.	Soil and debris contaminated with K088 wastes. Jan. 8, 1997.
10.	Soil and debris contaminated with radioactive wastes mixed with K088, K156-K161, P127, P128, P188-P192, P194, P196-P199, P201-P205, U271, U277-U280, U364-U367, U372, U373, U375-U379, U381-U387, U389-U396, U400-U404, U407, and U409-U411 wastes. April 8, 1998.
11.	Soil and debris contaminated with F032, F034, and F035. May 12, 1997.





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<u>D018</u>	All, including mixed with Apr. 8, 1998.
<u>D019</u>	radioactive wastes
<u>D020</u>	All, including mixed with Apr. 8, 1998.
<u>D021</u>	radioactive wastes
<u>D022</u>	All, including mixed with Apr. 8, 1998.
<u>D023</u>	radioactive wastes
<u>D024</u>	All, including mixed with Apr. 8, 1998.
<u>D025</u>	radioactive wastes
<u>D026</u>	All, including mixed with Apr. 8, 1998.
<u>D027</u>	radioactive wastes
<u>D028</u>	All, including mixed with Apr. 8, 1998.
<u>D029</u>	radioactive wastes
<u>D030</u>	All, including mixed with Apr. 8, 1998.
<u>D031</u>	radioactive wastes
<u>D032</u>	All, including mixed with Apr. 8, 1998.
<u>D033</u>	radioactive wastes
<u>D034</u>	All, including mixed with Apr. 8, 1998.
<u>D035</u>	radioactive wastes
<u>D036</u>	All, including mixed with Apr. 8, 1998.
<u>D037</u>	radioactive wastes
<u>D038</u>	All, including mixed with Apr. 8, 1998.
<u>D039</u>	radioactive wastes
<u>D040</u>	All, including mixed with Apr. 8, 1998.
<u>D041</u>	radioactive wastes

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<u>D042</u>	All, including mixed with Apr. 8, 1998.
<u>D043</u>	radioactive wastes
<u>F001-F005</u>	All, including mixed with Apr. 8, 1998.
	radioactive wastes
	All spent F001-F005 solvent total
	containing less than 1 percent total
	F001-F005 solvent constituents
<u>F007</u>	All
<u>F032</u>	All, including mixed with June 8, 1991.
	radioactive wastes
<u>F034</u>	All, including mixed with May 12, 1999.
	radioactive wastes
<u>F035</u>	All, including mixed with May 12, 1999.
	radioactive wastes
<u>F037</u>	All
<u>F038</u>	All
<u>F039</u>	Wastewater
<u>K009</u>	Wastewater
<u>K011</u>	Nonwastewater
<u>K011</u>	Wastewater
<u>K013</u>	Nonwastewater
<u>K013</u>	Wastewater
<u>K014</u>	All
<u>K016</u>	All
<u>K049</u>	All
<u>K050</u>	All
<u>K051</u>	All
<u>K052</u>	All
<u>K062</u>	All
<u>K071</u>	All
<u>K088</u>	All
<u>K104</u>	All
<u>K107</u>	All
<u>K108</u>	All
<u>K109</u>	All
<u>K110</u>	All
<u>K111</u>	All
<u>K112</u>	All
<u>K117</u>	All
<u>K118</u>	All
<u>K123</u>	All
<u>K124</u>	All
<u>K125</u>	All
<u>K126</u>	All
<u>K131</u>	All
<u>K132</u>	All
<u>K136</u>	All
<u>K141</u>	All

(dilute)

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U376	All	July 8, 1996.
U377	All	July 8, 1996.
U378	All	July 8, 1996.
U379	All	July 8, 1996.
U381	All	July 8, 1996.
U382	All	July 8, 1996.
U383	All	July 8, 1996.
U384	All	July 8, 1996.
U385	All	July 8, 1996.
U386	All	July 8, 1996.
U387	All	July 8, 1996.
U389	All	July 8, 1996.
U390	All	July 8, 1996.
U391	All	July 8, 1996.
U392	All	July 8, 1996.
U395	All	July 8, 1996.
U396	All	July 8, 1996.
U400	All	July 8, 1996.
U401	All	July 8, 1996.
U402	All	July 8, 1996.
U403	All	July 8, 1996.
U404	All	July 8, 1996.
U407	All	July 8, 1996.
U409	All	July 8, 1996.
U410	All	July 8, 1996.
U411	All	July 8, 1996.

- (a) Wastes that are deep well disposed on-site receive a six-month variance, with restrictions effective in November 1990.
- (b) Deepwell injected D002 liquids with a pH less than 2 must meet the California List treatment standards on August 8, 1990.
- (c) Managed in systems defined in 35 Ill. Adm. Code 730.105(e) as Class V injection wells that do not engage in CWA-equivalent treatment before injection.

BOARD NOTE: This table is provided for the convenience of the reader.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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K142	All	Dec. 19, 1994.
K143	All	Dec. 19, 1994.
K144	All	Dec. 19, 1994.
K145	All	Dec. 19, 1994.
K147	All	Dec. 19, 1994.
K148	All	Dec. 19, 1994.
K149	All	Dec. 19, 1994.
K150	All	Dec. 19, 1994.
K151	All	Dec. 19, 1994.
K156	All	Dec. 19, 1994.
K157	All	Dec. 19, 1994.
K158	All	Dec. 19, 1994.
K159	All	Dec. 19, 1994.
K160	All	Dec. 19, 1994.
K161	All	Dec. 19, 1994.
P127	All	Dec. 19, 1994.
P128	All	Dec. 19, 1994.
P185	All	Dec. 19, 1994.
P188	All	Dec. 19, 1994.
P189	All	Dec. 19, 1994.
P190	All	Dec. 19, 1994.
P191	All	Dec. 19, 1994.
P192	All	Dec. 19, 1994.
P194	All	Dec. 19, 1994.
P196	All	Dec. 19, 1994.
P197	All	Dec. 19, 1994.
P198	All	Dec. 19, 1994.
P199	All	Dec. 19, 1994.
P201	All	Dec. 19, 1994.
P202	All	Dec. 19, 1994.
P203	All	Dec. 19, 1994.
P204	All	Dec. 19, 1994.
P205	All	Dec. 19, 1994.
U271	All	Dec. 19, 1994.
U277	All	Dec. 19, 1994.
U278	All	Dec. 19, 1994.
U279	All	Dec. 19, 1994.
U280	All	Dec. 19, 1994.
U328	All	Dec. 19, 1994.
U353	All	Dec. 19, 1994.
U359	All	Dec. 19, 1994.
U364	All	Dec. 19, 1994.
U365	All	Dec. 19, 1994.
U366	All	Dec. 19, 1994.
U367	All	Dec. 19, 1994.
U372	All	Dec. 19, 1994.
U373	All	Dec. 19, 1994.
U375	All	Dec. 19, 1994.





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722-134-and-is  
being-treated-in  
such-tanks-or-con-  
tainers-to-meet  
applicable-treat-  
ment-standards  
(see-Section  
720-107-(a)(4)).

E-Generator-is  
managing-a-lab  
pack-containing  
certain-wastes-and  
wishes-to-use-an  
alternative-treat-  
ment-standard-(see  
Section-720-107  
(a)(8)).

P-Generator-quantity  
generators-with  
toiling-agreements  
(pursuant-to-35  
Ill-Adm-Code  
722-120(e))-(see  
Section-720-107  
(a)(9)).

G-Generator-has  
determined-waste  
is-restricted  
based-soley-on  
his-knowledge-of

procedures-used-to  
comply-with-the  
treatment  
standards:

if-waste-is-shipped  
off-site-generator  
also-must-comply  
with-notification  
notification  
requirement  
of-Section  
720-107(a)(2).

Notice-in-accor-  
dance-with-Section  
720-107(a)(1)  
(a)(5)-and-(a)(6)  
where-applicable:

Certification-in  
accordance-with  
Section-720-107  
(a)(8).

Must-comply-with  
applicable-notifi-  
cation-and  
certification  
requirements-in  
Section  
720-107(a).

Generator-also-must  
retain-copy-of-the  
notification-and  
certification-to-  
gether-with-toiling  
agreement-on-site  
for-at-least-3  
years-after-termi-  
nation-or-expira-  
tion-of-agreement.

All-supporting-data  
must-be-retained  
on-site-in-gener-  
ator's-files.

Generator's  
file

N/A

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the-waste-(see  
Section-720-107  
(a)(5)).

H-Generator-has  
determined-waste  
is-restricted  
based-on-testing  
waste-or-an-ex-  
tract-(see-Section  
720-107(a)(5)).

Generator-has  
determined-that  
waste-is-excluded  
from-the  
definition-of  
hazardous-or-solid  
waste-or-exempt  
from-REPA-Subtitle  
E-(hazardous  
waste)-regulation  
(see-Section  
720-107(a)(6)).

J-Generator-(or  
leater)-claims  
that-hazardous  
debris-is-excluded  
from-the  
definition-of  
hazardous-waste  
under-35-Ill-Adm-  
Code-721-103(f)(1)  
(see-Section  
720-107(d)).

One-time

Agency  
Notification  
must-be-updated  
as-necessary  
under-Section  
720-107(d)(2).

Generator's  
file

N/A

All-waste-analysis  
data-must-be-re-  
tained-on-site-in  
generator's-files.

Generator's  
file

One-time

Notice-of  
generation-and-sub-  
sequent-exclusion  
from-the-definition  
of-hazardous-or  
solid-waste-or  
exemption-from-REPA  
Subtitle-E  
(hazardous-waste)  
regulation-and  
information  
regarding-the  
disposition-of-the  
waste.

Notice-must  
include:

--Name-and-address  
of-REPA-Subtitle-B  
(municipal-solid  
waste-landfill)  
facility-receiving  
treated-debris.  
--U.S.-EPA-hazardous  
waste-number-and  
description-of  
debris-as-initially  
generated.  
--Technology-used-to  
treat-the-debris  
(Table-1-of-Section  
720-145).







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underlying-hazardous-constituents-that-require-further-treatment--to--meet  
universal--treatment--standards.---i--am--aware--that--there--are--significant  
penalties-for-submitting-a-false-certification--including-the--possibility  
of-fine-and-imprisonment:--(Section-728.107(b)(5)(B))

6- i--certify--under--penalty--of--law--that--the--debris--have--been--treated--in  
accordance-with-the-requirements-of-35-ill-Adm-Code-728.145---i--am--aware  
that--there--are--significant--penalties--for--making--a--false--certification,  
including---the---possibility---of---fine---and---imprisonment---(Section  
728.107(d)(3)(C))

(Source: Repealed at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 728.TABLE C Technology Codes and Description of Technology-Based Standards**

## Technology

code Description of technology-based standard

ADGAS Venting of compressed gases into an absorbing or reacting media (i.e., solid or liquid)--venting can be accomplished through physical release utilizing valves or piping; physical penetration of the container; or penetration through detonation.

AMLGM Amalgamation of liquid, elemental mercury contaminated with radioactive materials utilizing inorganic reagents such as copper, zinc, nickel, gold, and sulfur that result in a nonliquid, semi-solid amalgam and thereby reducing potential emissions of elemental mercury vapors to the air.

BIODG Biodegradation of organics or non-metallic inorganics (i.e., degradable inorganics that contain the elements of phosphorus, nitrogen, and sulfur) in units operated under either aerobic or anaerobic conditions such that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., total organic carbon (TOC) can often be used as an indicator parameter for the biodegradation of many organic constituents that cannot be directly analyzed in wastewater residues).

CARBN Carbon adsorption (granulated or powdered) or non-metallic inorganics, organo-metallics, or organic constituents, operated so that a surrogate compound or indicator parameter has not undergone breakthrough (e.g., total organic carbon (TOC) can often be used as an indicator parameter for the adsorption of many organic constituents that cannot be directly analyzed in wastewater residues). Breakthrough occurs when the carbon has become saturated with the constituent (or indicator parameter) and substantial change in adsorption rate associated with that constituent occurs.

CHOXD Chemical or electrolytic oxidation utilizing the following oxidation reagents (or waste reagents) or combinations of reagents:

- 1) hypochlorite (e.g., bleach);
- 2) chlorine;
- 3) chlorine dioxide;
- 4) ozone or UV (ultraviolet light) assisted ozone;
- 5) peroxides;
- 6) persulfates;
- 7) perchlorates;
- 8) permanganates; or

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the corresponding treatment standards per waste code with consideration of any applicable subcategories (e.g., high or low mercury subcategories).

INCIN Incineration in units operated in accordance with the technical operating requirements of 35 Ill. Adm. Code 724.Subpart O or 725.Subpart O.

LLEXT Liquid-liquid extraction (often referred to as solvent extraction) of organics from liquid wastes into an immiscible solvent for which the hazardous constituents have a greater solvent affinity, resulting in an extract high in organics that must undergo either incineration, reuse as a fuel, or other recovery or reuse and a raffinate (extracted liquid waste) proportionately low in organics that must undergo further treatment as specified in the standard.

MACRO Macroencapsulation with surface coating materials such as polymeric organics (e.g., resins and plastics) or with a jacket of inert inorganic materials to substantially reduce surface exposure to potential leaching media. Macroencapsulation specifically does not include any material that would be classified as a tank or container according to 35 Ill. Adm. Code 720.110.

NEUTR Neutralization with the following reagents (or waste reagents) or combinations of reagents:

- 1) acids;
- 2) bases; or
- 3) water (including wastewaters) resulting in a pH greater than 2 but less than 12.5 as measured in the aqueous residuals.

NLDBR No land disposal based on recycling.

POLYM Formation of complex high-molecular weight solids through polymerization of monomers in high-TOC D001 nonwastewaters that are chemical components in the manufacture of plastics.

PRECP Chemical precipitation of metals and other inorganics as insoluble precipitates of oxides, hydroxides, carbonates, sulfides, sulfates, chlorides, fluorides, or phosphates. The following reagents (or waste reagents) are typically used alone or in combination:

- 1) lime (i.e., containing oxides or hydroxides of calcium or magnesium);
- 2) caustic (i.e., sodium or potassium hydroxides);
- 3) soda ash (i.e., sodium carbonate);
- 4) sodium sulfide;
- 5) ferric sulfate or ferric chloride;

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- 9) other oxidizing reagents of equivalent efficiency, performed in units operated so that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., total organic carbon (TOC) can often be used as an indicator parameter for the oxidation of many organic constituents that cannot be directly analyzed in wastewater residues). Chemical oxidation specifically includes what is commonly referred to as alkaline chlorination.

CHRED Chemical reduction utilizing the following reducing reagents (or waste reagents) or combinations of reagents:

- 1) sulfur dioxide;
- 2) sodium, potassium, or alkali salts of sulfites, bisulfites, metabisulfites, and polyethylene glycols (e.g., NaPEG and KPEG);
- 3) sodium hydrosulfide;
- 4) ferrous salts; or
- 5) other reducing reagents of equivalent efficiency, performed in units operated such that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., total organic halogens (TOX) can often be used as an indicator parameter for the reduction of many halogenated organic constituents that cannot be directly analyzed in wastewater residues). Chemical reduction is commonly used for the reduction of hexavalent chromium to the trivalent state.

CMBST High temperature organic destruction technologies, such as combustion in incinerators, boilers, or industrial furnaces operated in accordance with the applicable requirements of 35 Ill. Adm. Code 724.Subpart O, 725.Subpart O, or 35 Ill. Adm. Code 726.Subpart H, and in other units operated in accordance with applicable technical operating requirements; and certain non-combustive technologies, such as the Catalytic Extraction Process.

DEACT Deactivation to remove the hazardous characteristics of a waste due to its ignitability, corrosivity, or reactivity.

FSUBS Fuel substitution in units operated in accordance with applicable technical operating requirements.

HLVIT Vitrification of high level mixed radioactive wastes in units in compliance with all applicable radioactive protection requirements under control of the federal Nuclear Regulatory Commission.

IMERC Incineration of wastes containing organics and mercury in units operated in accordance with the technical operating requirements of 35 Ill. Adm. Code 724.Subpart O or 725.Subpart O. All wastewater and nonwastewater residues derived from this process must then comply with

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- 6) alum; or
- 7) sodium sulfate. Additional flocculating, coagulation, or similar reagents or processes that enhance sludge dewatering characteristics are not precluded from use.

**RBERY Thermal recovery of beryllium.**

**RCGAS Recovery or reuse of compressed gases including techniques such as reprocessing of the gases for reuse or resale; filtering or adsorption of impurities; remixing for direct reuse or resale; and use of the gas as a fuel source.**

**RCORR Recovery of acids or bases utilizing one or more of the following recovery techniques:**

- 1) distillation (i.e., thermal concentration);
- 2) ion exchange;
- 3) resin or solid adsorption;
- 4) reverse osmosis; or
- 5) incineration for the recovery of acid--

Note: This does not preclude the use of other physical phase separation or concentration techniques such as decantation, filtration (including ultrafiltration), and centrifugation, when used in conjunction with the above listed recovery technologies.

**RLEAD Thermal recovery of lead in secondary lead smelters.**

**RMERC Retorting or roasting in a thermal processing unit capable of volatilizing mercury and subsequently condensing the volatilized mercury for recovery. The retorting or roasting unit (or facility) must be subject to one or more of the following:**

- a) A national emissions standard for hazardous air pollutants (NESHAP) for mercury (40 CFR 61, Subpart E);
- b) A best available control technology (BACT) or a lowest achievable emission rate (LAER) standard for mercury imposed pursuant to a prevention of significant deterioration (PSD) permit (including 35 Ill. Adm. Code 201 through 203); or
- c) A state permit that establishes emission limitations (within meaning of Section 302 of the Clean Air Act) for mercury, including a permit issued pursuant to 35 Ill. Adm. Code 201. All wastewater and nonwastewater residues derived from this process must then comply with the corresponding treatment standards per waste code with consideration of any applicable subcategories (e.g., high or low mercury subcategories).

**RMETL Recovery of metals or inorganics utilizing one or more of the following direct physical or removal technologies:**

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- 1) ion exchange;
- 2) resin or solid (i.e., zeolites) adsorption;
- 3) reverse osmosis;
- 4) chelation or solvent extraction;
- 5) freeze crystallization;
- 6) ultrafiltration; or
- 7) simple precipitation (i.e., crystallization)

Note: This does not preclude the use of other physical phase separation or concentration techniques such as decantation, filtration (including ultrafiltration), and centrifugation, when used in conjunction with the above listed recovery technologies.

**RORGS Recovery of organics utilizing one or more of the following technologies:**

- 1) Distillation;
- 2) thin film evaporation;
- 3) steam stripping;
- 4) carbon adsorption;
- 5) critical fluid extraction;
- 6) liquid-liquid extraction;
- 7) precipitation or crystallization (including freeze crystallization); or
- 8) chemical phase separation techniques (i.e., addition of acids, bases, demulsifiers, or similar chemicals).

Note: This does not preclude the use of other physical phase separation techniques such as decantation, filtration (including ultrafiltration), and centrifugation, when used in conjunction with the above listed recovery technologies.

**RTHERM Thermal recovery of metals or inorganics from nonwastewaters in units defined as cement kilns, blast furnaces, smelting, melting and refining furnaces, combustion devices used to recover sulfur values from spent sulfuric acid and "other devices" determined by the Agency pursuant to 35 Ill. Adm. Code 720.110, the definition of "industrial furnace".**

**RZINC Resmelting in high temperature metal recovery units for the purpose of recovery of zinc.**

**STABL Stabilization with the following reagents (or waste reagents) or combinations of reagents:**

- 1) Portland cement; or
- 2) lime or pozzolans (e.g., fly ash and cement kiln dust)--this does not preclude the addition of reagents (e.g., iron salts, silicates, and clays) designed to enhance the set or cure time or compressive



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strength, or to overall reduce the leachability of the metal or inorganic.

**SSTRP** Stream stripping of organics from liquid wastes utilizing direct application of steam to the wastes operated such that liquid and vapor flow rates, as well as, temperature and pressure ranges have been optimized, monitored, and maintained. These operating parameters are dependent upon the design parameters of the unit such as, the number of separation stages and the internal column design. Thus, resulting in a condensed extract high in organics that must undergo either incineration, reuse as a fuel, or other recovery or reuse and an extracted wastewater that must undergo further treatment as specified in the standard.

**WETOX** Wet air oxidation performed in units operated such that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., total organic carbon (TOC) can often be used as an indicator parameter for the oxidation of many organic constituents that cannot be directly analyzed in wastewater residues).

**WTRRX** Controlled reaction with water for highly reactive inorganic or organic chemicals with precautionary controls for protection of workers from potential violent reactions as well as precautionary controls for potential emissions of toxic or ignitable levels of gases released during the reaction.

**Note 1:** When a combination of these technologies (i.e., a treatment train) is specified as a single treatment standard, the order of application is specified in Section 728. Table T by indicating the five letter technology code that must be applied first, then the designation "fb." (an abbreviation for "followed by"), then the five letter technology code for the technology that must be applied next, and so on.

**Note 2:** When more than one technology (or treatment train) are specified as alternative treatment standards, the five letter technology codes (or the treatment trains) are separated by a semicolon (;) with the last technology preceded by the word "OR". This indicates that any one of these BDAT technologies or treatment trains can be used for compliance with the standard.

**BOARD NOTE:** Derived from 40 CFR 268.42, Table 1 (1997).

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## Section 728. TABLE B Wastes Excluded from CCW Treatment Standards

The following facilities are excluded from the treatment standard under Section 728.143(a) and Table B, and are subject to the following constituent concentrations. These facilities have received a treatability exception by regulatory action from USEPA pursuant to 40 CFR 268.44 (1991), and have demonstrated that the Board needs to adopt the treatability exception as part of the Illinois RCRA program. The Board may also grant an "adjusted treatment standard" pursuant to Section 728.144.

Facility name and address	Waste See Also	Regulated hazardous constituent (mg/L)	Wastewater Concentration (mg/L)	Notes	Nonwaste-waters	Notes
Craftsman F006 Plating and Tinning Corp., Chicago, IL	Sec- tion 728.250 Table A	Cyanides (Total)	1.2	B	1800	D
		Cyanides (amenable)	0.86	B and C	30	D
		Cadmium	1.6		NA	
		Chromium	0.32		NA	
		Lead	0.40		NA	
		Nickel	0.44		NA	
		Cyanides (Total)	1.2	B	970	D
North-western Plating Works, Inc., Chicago, IL	Sec- tion 728.140 Table A	Cyanides (amenable)	0.86	B and C	30	D
		Cadmium	1.6		NA	
		Chromium	0.32		NA	
		Lead	0.40		NA	
		Nickel	0.44		NA	

## Notes:

A An owner or operator may certify compliance with these treatment standards according to the provisions of Section 728.107.

B Cyanide wastewater standards for F006 are based on analysis of composite samples.

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C These owners and operators shall comply with 0.86 mg/L for amenable cyanides in the wastewater exiting the alkaline chlorination system. These owners and operators shall also comply with Section 728.107(a)(4) for appropriate monitoring frequency consistent with the facilities' waste analysis plan.

D Cyanide nonwastewaters are analyzed using SW-846 Method 9010 or 9012, sample size 10 g, distillation time one hour and fifteen minutes. SW-846 is incorporated by reference in 35 Ill. Reg. 720.111.

NA Not applicable.

BOARD NOTE: Derived from table to 40 CFR 268.44(c) (1997).

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## Section 728. TABLE I Generator Paperwork Requirements

Subsection of Section 728.107 under which the Paperwork Is Required:  
Required information (a)(2) (a)(3) (a)(4) (a)(9)

1. EPA Hazardous Waste and Manifest Numbers X X X X

2. Statement: this waste is not prohibited from land disposal X

3. The waste is subject to the LDRs. The constituents of concern for F001-F005 and F039, and underlying hazardous constituents (for wastes that are not managed in a Clean Water Act (CWA) or CWA-equivalent facility), unless the waste will be treated and monitored for all constituents. If all constituents will be treated and monitored, there is no need to put them all on the LDR notice X X

4. The notice must include the applicable wastewater/nonwastewater category (see Section 728.102(d) and (f)) and subdivisions made within a waste code based on waste-specific criteria (such as D003 reactive cyanide) X X

5. Waste analysis data (when available) X X

6. Date the waste is subject to the prohibition X X

7. For hazardous debris, when treating with the alternative treatment technologies provided by Section 728.145: the contaminants subject to treatment, as described in Section 728.145(b); and an indication that these contaminants are being treated to comply with Section 728.145 X X

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8. A certification is needed (see applicable subsection for exact wording) X

BOARD NOTE: Derived from Table 1 to 40 CFR 268.7(a)(4) (1997).

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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Section 728. TABLE T Treatment Standards for Hazardous Wastes

Note: The treatment standards that heretofore appeared in tables in Sections 728.141, 728.142, and 728.143 have been consolidated into this table.

Waste Code	Waste Description and Treatment or Regulatory Subcategory (1)	Nonwastewaters
Regulated Hazardous Constituent	Wastewaters	
Common Name	CAS(2) Number	Concentration in mg/kg(5) or less noted as "mg/l TCLP"; or Technology Code(4)

D001(9) Ignitable Characteristic Wastes, except for the 35 Ill. Adm. Code 721.121(a)(1) High TOC Subcategory.

NA	NA	DEACT and meet Section 728.148 standards;(8) or RORGS; or CMBST	DEACT and meet Section 728.148 standards;(8) or RORGS; or CMBST; or POLYM
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D001(9) High TOC Ignitable Characteristic Liquids Subcategory based on 35 Ill. Adm. Code 721.121(a)(1) - Greater than or equal to 10% total organic carbon. (Note: This subcategory consists of nonwastewaters only.)

NA	NA	RORGS; or CMBST
----	----	-----------------

D002(9) Corrosive Characteristic Wastes.

NA	NA	DEACT and meet Section 728.148 standards(8)	DEACT and meet Section 728.148 standards(8)
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D002, D004, D005, D006, D007, D008, D009, D010, D011



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Radioactive high level wastes generated during the reprocessing of fuel rods.  
(Note: This subcategory consists of nonwastewaters only.)

Corrosivity (pH)	NA	NA	HLVIT
Arsenic	7440-38-2	NA	HLVIT
Barium	7440-39-3	NA	HLVIT
Cadmium	7440-43-9	NA	HLVIT
Chromium (Total)	7440-47-3	NA	HLVIT
Lead	7439-92-1	NA	HLVIT
Mercury	7439-97-6	NA	HLVIT
Selenium	7782-49-2	NA	HLVIT
Silver	7440-22-4	NA	HLVIT

D003(9)  
Reactive Sulfides Subcategory based on 35 Ill. Adm. Code 721.123(a)(5).

NA	NA	DEACT	DEACT
----	----	-------	-------

D003(9)  
Explosive subcategory based on 35 Ill. Adm. Code 721.123(a)(6), (a)(7), and (a)(8).

NA	NA	DEACT and meet Section 728.148 standards(8)	DEACT and meet Section 728.148 standards(8)
----	----	--	--

D003(9)  
Unexploded ordnance and other explosive devices that have been the subject of an emergency response.

NA	NA	DEACT	DEACT
----	----	-------	-------

D003(9)  
Other Reactives Subcategory based on 35 Ill. Adm. Code 721.123(a)(1).

NA	NA	DEACT and meet Section 728.148 standards(8)	DEACT and meet Section 728.148 standards(8)
----	----	--	--

D003(9)  
Water Reactive Subcategory based on 35 Ill. Adm. Code 721.123(a)(2), (a)(3), and (a)(4).  
(Note: This subcategory consists of nonwastewaters only.)

NA	NA	DEACT and meet Section 728.148	DEACT and meet Section 728.148
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standards(8)

D003(9)  
Reactive Cyanides Subcategory based on 35 Ill. Adm. Code 721.123(a)(5).  
Cyanides (Total)(7) 57-12-5 -- 590  
Cyanides (Amendable)(7) 57-12-5 0.86 30  
D004  
Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for arsenic based on the extraction procedure (EP) in SW-846 Method 1310.

Arsenic	7440-38-2	5.0	5.0mg/l EP
Arsenic; alternative(6)	7440-38-2	NA	5.0 mg/l TCLP
standard			
for nonwastewaters only.			

D005  
Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for barium based on the extraction procedure (EP) in SW-846 Method 1310.

Barium	7440-39-3	100	100 mg/l TCLP
--------	-----------	-----	---------------

D006  
Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for cadmium based on the extraction procedure (EP) in SW-846 Method 1310.

Cadmium	7440-43-9	1.0	1.0 mg/l TCLP
---------	-----------	-----	---------------

D006  
Cadmium-Containing Batteries Subcategory  
(Note: This subcategory consists of nonwastewaters only.)

Cadmium	7440-43-9	NA	RTHRM
---------	-----------	----	-------

D007  
Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for chromium based on the extraction procedure (EP) in SW-846 Method 1310.

Chromium (Total)	7440-47-3	5.0	5.0 mg/l TCLP
------------------	-----------	-----	---------------

D008  
Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for lead based on the extraction procedure (EP) in SW-846 Method 1310.

Lead	7439-92-1	5.0	5.0 mg/l EP
Lead; alternative(6)	7439-92-1	NA	5.0 mg/l TCLP

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standard for  
nonwastewaters only

## D008

Lead Acid Batteries Subcategory  
(Note: This standard only applies to lead acid batteries that are identified as RCRA hazardous wastes and that are not excluded elsewhere from regulation under the land disposal restrictions of this Part or exempted under other regulations (see 35 Ill. Adm. Code 726.180). This subcategory consists of nonwastewaters only.)

Lead 7439-92-1 NA

RLEAD

## D009

Radioactive Lead Solids Subcategory  
(Note: These lead solids include, but are not limited to, all forms of lead shielding and other elemental forms of lead. These lead solids do not include treatment residuals such as hydroxide sludges, other wastewater treatment residuals, or incinerator ashes that can undergo conventional pozzolanic stabilization, nor do they include organo-lead materials that can be incinerated and stabilized as ash. This subcategory consists of nonwastewaters only.)

Lead 7439-92-1 NA

MACRO

## D009

Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the extraction procedure (EP) in SW-846 Method 1310; and contain greater than or equal to 260 mg/kg total mercury that also contain organics and are not incinerator residues. (High Mercury-Organic Subcategory)

Mercury 7439-97-6 NA

IMERC; or  
RMERC

## D009

Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the extraction procedure (EP) in SW-846 Method 1310; and contain greater than or equal to 260 mg/kg total mercury that are inorganic, including incinerator residues and residues from RMERC. (High Mercury-Inorganic Subcategory)

Mercury 7439-97-6 NA

RMERC

## D009

Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the extraction procedure (EP) in SW-846 Method 1310; and contain less than 260 mg/kg total mercury. (Low Mercury Subcategory)

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0.20 mg/l TCLP

7439-97-6 NA

Mercury

All D009 wastewaters

7439-97-6 0.20

Mercury

NA

D009  
Elemental mercury contaminated with radioactive materials.  
(Note: This subcategory consists of nonwastewaters only.)

AMLCM

7439-97-6

NA

Mercury

D009  
Hydraulic oil contaminated with Mercury Radioactive Materials Subcategory.

(Note: This subcategory consists of nonwastewaters only.)

7439-97-6 NA

IMERC

Mercury

D010  
Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity or selenium based on the extraction procedure (EP) in SW-846 Method 1310.

7782-49-2 1.0

Selenium

5.7 mg/l TCLP

D011  
Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity or silver based on the extraction procedure (EP) in SW-846 Method 1310.

7440-22-4 5.0

Silver

5.0 mg/l TCLP

D012(9)  
Wastes that are TC for Endrin based on the TCLP in SW-846 Method 1311.

72-20-8

Endrin

0.13  
and meet  
Section  
728.148

standards(8)  
0.13  
and meet  
Section  
728.148

7421-93-4

Endrin aldehyde

BIODG; or  
CMBST

D013(9)  
Wastes that are TC for Lindane based on the TCLP in SW-846 Method 1311.

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alpha-BHC	319-84-6	CARBN; or CMBST	0.066 and meet Section 728.148 standards(8)
beta-BHC	319-85-7	CARBN; or CMBST	0.066 and meet Section 728.148 standards(8)
delta-BHC	319-86-8	CARBN; or CMBST	0.066 and meet Section 728.148 standards(8)
gamma-BHC (Lindane)	58-89-9	CARBN; or CMBST	0.066 and meet Section 728.148 standards(8)
D014(9) Wastes that are TC for Methoxychlor based on the TCLP in SW-846 Method 1311.			
Methoxychlor	72-43-5	WETOX or CMBST	0.18 and meet Section 728.148 standards(8)
D015(9) Wastes that are TC for Toxaphene based on the TCLP in SW-846 Method 1311.			
Toxaphene	8001-35-2	BIODG or CMBST	2.6 and meet Section 728.148 standards(8)
D016(9) Wastes that are TC for 2,4-D (2,4-Dichlorophenoxyacetic acid) based on the TCLP in SW-846 Method 1311.			
2,4-D (2,4-Dichloro- phenoxyacetic acid)	94-75-7	CHOXD; BIODG; or CMBST	10 and meet Section 728.148 standards(8)

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D017(9) Wastes that are TC for 2,4,5-TP (Silvex) based on the TCLP in SW-846 Method 1311.			
2,4,5-TP (Silvex)	93-72-1	CHOXD or CMBST	7.9 and meet Section 728.148 standards(8)
D018(9) Wastes that are TC for Benzene based on the TCLP in SW-846 Method 1311.			
Benzene	71-43-2	0.14 and meet Section 728.148 standards(8)	10 and meet Section 728.148 standards(8)
D019(9) Wastes that are TC for Carbon tetrachloride based on the TCLP in SW-846 Method 1311.			
Carbon tetrachloride	56-23-5	0.057 and meet Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
D020(9) Wastes that are TC for Chlordane based on the TCLP in SW-846 Method 1311.			
Chlordane (alpha and gamma isomers)	57-74-9	0.0033 and meet Section 728.148 standards(8)	0.26 and meet Section 728.148 standards(8)
D021(9) Wastes that are TC for Chlorobenzene based on the TCLP in SW-846 Method 1311.			
Chlorobenzene	108-90-7	0.057 and meet Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
D022(9)			



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Wastes that are TC for Chloroform based on the TCLP in SW-846 Method 1311.

Dichlorobenzene) and meet Section 728.148 standards(8) and meet Section 728.148 standards(8)

Chloroform 67-66-3 0.046 and meet Section 728.148 standards(8)

D023(9) Wastes that are TC for o-Cresol based on the TCLP in SW-846 Method 1311.

1,2-Dichloroethane 107-06-2 0.21 and meet Section 728.148 standards(8) 6.0 and meet Section 728.148 standards(8)

o-Cresol 95-48-7 0.11 and meet Section 728.148 standards(8) 5.6 and meet Section 728.148 standards(8)

D024(9) Wastes that are TC for m-Cresol based on the TCLP in SW-846 Method 1311.

1,1-Dichloroethylene 75-35-4 0.025 and meet Section 728.148 standards(8) 6.0 and meet Section 728.148 standards(8)

m-Cresol 108-39-4 0.77 and meet Section 728.148 standards(8) 5.6 and meet Section 728.148 standards(8)

D025(9) Wastes that are TC for p-Cresol based on the TCLP in SW-846 Method 1311.

D030(9) Wastes that are TC for 2,4-Dinitrotoluene based on the TCLP in SW-846 Method 1311. 2,4-Dinitrotoluene 121-14-2 0.32 and meet Section 728.148 standards(8) 140 and meet Section 728.148 standards(8)

p-Cresol 106-44-5 0.77 and meet Section 728.148 standards(8) 5.6 and meet Section 728.148 standards(8)

D026(9) Wastes that are TC for Cresols (Total) based on the TCLP in SW-846 Method 1311.

D031(9) Wastes that are TC for Heptachlor based on the TCLP in SW-846 Method 1311. Heptachlor 76-44-8 0.0012 and meet Section 728.148 standards(8) 0.066 and meet Section 728.148 standards(8) Heptachlor epoxide 1024-57-3 0.016 and meet Section 728.148 standards(8)

Cresol-mixed isomers 1319-77-3 0.88 and meet Section 728.148 standards(8) 11.2 and meet Section 728.148 standards(8)

D027(9) Wastes that are TC for p-Dichlorobenzene based on the TCLP in SW-846 Method 1311.

D032(9)

6.0

p-Dichlorobenzene (1,4- 106-46-7 0.090

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Wastes that are TC for Hexachlorobenzene based on the TCLP in SW-846 Method 1311.			
Hexachlorobenzene	118-74-1	0.055 and meet Section 728.148 standards(8)	10 and meet Section 728.148 standards(8)
D033(9) Wastes that are TC for Hexachlorobutadiene based on the TCLP in SW-846 Method 1311.			
Hexachlorobutadiene	87-68-3	0.055 and meet Section 728.148 standards(8)	5.6 and meet Section 728.148 standards(8)
D034(9) Wastes that are TC for Hexachloroethane based on the TCLP in SW-846 Method 1311.			
Hexachloroethane	67-72-1	0.055 and meet Section 728.148 standards(8)	30 and meet Section 728.148 standards(8)
D035(9) Wastes that are TC for Methyl ethyl ketone based on the TCLP in SW-846 Method 1311.			
Methyl ethyl ketone	78-93-3	0.28 and meet Section 728.148 standards(8)	36 and meet Section 728.148 standards(8)
D036(9) Wastes that are TC for Nitrobenzene based on the TCLP in SW-846 Method 1311.			
Nitrobenzene	98-95-3	0.068 and meet Section 728.148 standards(8)	14 and meet Section 728.148 standards(8)

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D037(9) Wastes that are TC for Pentachlorophenol based on the TCLP in SW-846 Method 1311.			
Pentachlorophenol	87-86-5	0.089 and meet Section 728.148 standards(8)	7.4 and meet Section 728.148 standards(8)
D038(9) Wastes that are TC for pyridine based on the TCLP in SW-846 Method 1311.			
Pyridine	110-86-1	0.014 and meet Section 728.148 standards(8)	16 and meet Section 728.148 standards(8)
D039(9) Wastes that are TC for Tetrachloroethylene based on the TCLP in SW-846 Method 1311.			
Tetrachloroethylene	127-18-4	0.056 and meet Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
D040(9) Wastes that are TC for Trichloroethylene based on the TCLP in SW-846 Method 1311.			
Trichloroethylene	79-01-6	0.054 and meet Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
D041(9) Wastes that are TC for 2,4,5-Trichlorophenol based on the TCLP in SW-846 Method 1311.			
2,4,5-Trichlorophenol	95-95-4	0.18 and meet Section 728.148 standards(8)	7.4 and meet Section 728.148 standards(8)

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D042(9)  
Wastes that are TC for 2,4,6-Trichlorophenol based on the TCLP in SW-846 Method  
1311.

2,4,6-Trichlorophenol	88-06-2	0.035	7.4
		and meet	and meet
		Section	Section
		728.148	728.148
		standards(8)	standards(8)

D043(9)

Vinyl chloride	75-01-4	0.27 and meet Section	6.0 and meet Section
		728.148	728.148
		728.148	728.148
		standards(8)	standard

F001, F002, F003, F004, & F005  
F001, F002, F003, F004, or F005 solvent wastes that contain any combination of one or more of the following spent solvents: acetone, benzene, n-butyl alcohol, carbon disulfide, carbon tetrachloride, chlorinated fluorocarbons, chlorobenzene, o-cresol, m-cresol, p-cresol, cyclohexanone, o-dichlorobenzene, 2-ethoxyethanol, ethyl acetate, ethyl benzene, ethyl ether, isobutyl alcohol, methanol, methylene chloride, methyl ethyl ketone, methyl isobutyl ketone, nitrobenzene, 2-nitropropane, pyridine, tetrachloroethylene, toluene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, 1,1,2-trichloroethane, 1,1,1-trichloroethane, trichloromono-fluoromethane, or 1,2,2-trifluoroethane, specifically noted in other subcategories). See further details of these listings in 35 ill. Adm. Code 721.131

Acetone	67-64-1	0.28	160
Benzene	71-43-2	0.14	10
n-Butyl alcohol	71-36-3	5.6	2.6
Carbon disulfide	75-15-0	3.8	NA
Carbon tetrachloride	56-23-5	0.057	6.0
Chlorobenzene	108-90-7	0.057	6.0
o-Cresol	95-48-7	0.11	5.6
m-Cresol	108-39-4	0.77	5.6
(difficult to distinguish from p-cresol)			
p-Cresol	106-44-5	0.77	5.6
(difficult to distinguish from m-cresol)			
Cresol-mixed isomers	1319-77-3	0.88	11.1

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(Cresylic acid)		
(sum of o-, m-, and p- cresol concentrations)		NA
Cyclohexanone	108-94-1	0.36
O-Dichlorobenzene	95-50-1	0.088
Ethyl acetate	141-78-6	0.34
Ethyl benzene	100-41-4	0.057
Ethyl ether	60-29-7	0.12
Ethyl alcohol	78-83-1	5.6
Methanol	67-56-1	5.6
Methylene chloride	75-9-2	0.089
Methyl ethyl ketone	78-93-3	0.28
Methyl isobutyl ketone	108-10-1	0.14
Nitrobenzene	98-95-3	0.068
Pyridine	110-86-1	0.014
Tetrachloroethylene	127-18-4	0.056
Toluene	108-88-3	0.080
1,1,1-Trichloroethane	71-55-6	0.054
1,1,2-Trichloroethane	79-00-5	0.054
1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	0.057
Trichloroethylene	79-01-6	0.054
Trichloromonofluoromethane	75-69-4	0.020
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32

F001, F002, F003, F004 & F005 of F003 and F005 solvent wastes that contain any combination of one or more of the following three solvents as the only listed F001 through F005 solvent: acetone, carbon tetrachloride, cyclohexanone, or methanol. (Formerly Section 600.1001, 600.1002, 600.1003, 600.1004, and 600.1005.)

Chemical	Concentration	Unit
Carbon disulfide	75-15-0	3.8
Cyclohexanone	108-94-1	0.36
Methanol	67-56-1	5.6
F001, F002, F003, F004 & F005		
F005 solvent waste containing 2-Nitropropane as the only listed F001 through F005 solvent.		
F005 solvent.		
2-Nitropropane	79-46-9	4.8 mg/l TCLP
		0.75 mg/l TCLP
		0.75 mg/l TCLP

F001, F002, F003, F004 & F005  
F005 solvent waste containing 2-Ethoxyethanol as the only listed F001 through F005 solvent.



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2-Ethoxyethanol 110-80-5 BIOG; or CMBST  
 F006  
 Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning or stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.

Cadmium	7440-43-9	0.69	0.19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.37 mg/l TCLP
Nickel	7440-02-0	3.98	5.0 mg/l TCLP
Silver	7440-22-4	NA	0.30 mg/l TCLP

F007  
 Spent cyanide plating bath solutions from electroplating operations.

Cadmium	7440-43-9	NA	0.19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.37 mg/l TCLP
Nickel	7440-02-0	3.98	5.0 mg/l TCLP
Silver	7440-22-4	NA	0.30 mg/l TCLP

F008  
 Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.

Cadmium	7440-43-9	NA	0.19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.37 mg/l TCLP
Nickel	7440-02-0	3.98	5.0 mg/l TCLP
Silver	7440-22-4	NA	0.30 mg/l TCLP

F009  
 Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.

Cadmium	7440-43-9	NA	0.19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.37 mg/l TCLP

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Nickel	7440-02-0	3.98	5.0 mg/l TCLP
Silver	7440-22-4	NA	0.30 mg/l TCLP

F010

Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process.

Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	NA

F011

Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations.

Cadmium	7440-43-9	NA	0.19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.37 mg/l TCLP
Nickel	7440-02-0	3.98	5.0 mg/l TCLP
Silver	7440-22-4	NA	0.30 mg/l TCLP

F012

Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process.

Cadmium	7440-43-9	NA	0.19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.37 mg/l TCLP
Nickel	7440-02-0	3.98	5.0 mg/l TCLP
Silver	7440-22-4	NA	0.30 mg/l TCLP

F019

Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.

Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30

F020, F021, F022, F023, F026

Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of: (1) tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives, excluding wastes from the production of Hexachlorophene from highly purified

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trans-1,3-Dichloro-propylene  
bis(2-Ethylhexyl)-phthalate  
Hexachloroethane  
Chromium (Total)  
Nickel

10061-02-6 0.036  
117-81-7 0.28  
67-72-1 0.055  
7440-47-3 2.77  
7440-02-0 3.98

18  
28  
30  
0.86 mg/l TCLP  
5.0 mg/l TCLP

F025  
Condensed light ends from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one up to and including five, with varying amounts and positions of chlorine substitution. F025--Light Ends Subcategory.

Carbon tetrachloride  
Chloroform  
1,2-Dichloroethane  
1,1-Dichloroethylene  
Methylene chloride  
1,1,2-Trichloroethane  
Trichloroethylene  
Vinyl chloride

56-23-5 0.057  
67-66-3 0.046  
107-06-2 0.21  
75-35-4 0.025  
75-9-2 0.089  
79-00-5 0.054  
79-01-6 0.054  
75-01-4 0.27

6.0  
6.0  
6.0  
30  
6.0  
6.0  
6.0  
6.0

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2,4,5-trichlorophenol (i.e., F020); (2) pentachlorophenol, or of intermediates used to produce its derivatives (i.e., F021); (3) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F022) and wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of: (1) tri- or tetrachlorophenols, excluding wastes from equipment used only for the production of hexachlorophene from highly purified 2,4,5-trichlorophenol (F023) or (2) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F026).

HxCDDs (All Hexachloro-dibenzo-p-dioxins)  
HxCDFs (All Hexachloro-dibenzofurans)  
PeCDDs (All Penta-chloro-dibenzo-p-dioxins)  
PeCDFs (All Pentachloro-dibenzofurans)  
Pentachlorophenol  
TCDDs (All Tetrachloro-dibenzo-p-dioxins)  
TCDFs (All Tetrachloro-dibenzofurans)  
2,4,5-Trichlorophenol  
2,4,6-Trichlorophenol  
2,3,4,6-Tetrachlorophenol

0.000063 0.001  
0.000063 0.001  
0.000063 0.001  
0.000035 0.001  
0.089 7.4  
0.000063 0.001  
0.000063 0.001  
0.18 7.4  
0.035 7.4  
0.030 7.4

F024  
Process wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor clean-out wastes, from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (This listing does not include wastewaters, wastewater treatment sludges, spent catalysts, and wastes listed in 35 Ill. Adm. Code 721.131 or 721.132.)

NA  
126-99-8  
107-05-1  
75-34-3  
107-06-2  
78-87-5  
10061-01-5

All F024 wastes  
2-Chloro-1,3-butadiene  
3-Chloropropylene  
1,1-Dichloroethane  
1,2-Dichloroethane  
1,2-Dichloropropane  
cis-1,3-Dichloropropylene

0.057  
0.036  
0.059  
0.21  
0.85  
0.036

CMBST(11)

0.28  
30  
6.0  
6.0  
18  
18

F025  
Spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. F025--Spent Filters/Aids and Desiccants Subcategory.

Carbon tetrachloride  
Chloroform  
Hexachlorobenzene  
Hexachlorobutadiene  
Hexachloroethane  
Methylene chloride  
1,1,2-Trichloroethane  
Trichloroethylene  
Vinyl chloride

56-23-5 0.057  
67-66-3 0.046  
118-74-1 0.055  
87-68-3 0.055  
67-72-1 0.055  
75-9-2 0.089  
79-00-5 0.054  
79-01-6 0.054  
75-01-4 0.27

6.0  
6.0  
10  
5.6  
30  
30  
6.0  
6.0  
6.0

F027  
Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)

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HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro-dibenzofurans)	NA	0.000063	0.001
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
PeCDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001
Pentachlorophenol	87-86-5	0.089	7.4
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro-dibenzofurans)	NA	0.000063	0.001
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4

## F028

Residues resulting from the incineration or thermal treatment of soil contaminated with USEPA hazardous waste numbers F020, F021, F023, F026, and F027.

HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro-dibenzofurans)	NA	0.000063	0.001
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
PeCDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001
Pentachlorophenol	87-86-5	0.089	7.4
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro-dibenzofurans)	NA	0.000063	0.001
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4

## F032

Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative dripage, and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes that have had the F032 waste code deleted in accordance with 35 Ill. Adm. Code 721.135 or potentially cross-contaminated wastes that are otherwise currently regulated as hazardous wastes (i.e., F034

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or F035), where the generator does not resume or initiate use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote and/or penta-chlorophenol.

Acenaphthene	83-32-9	0.059	3.4
Anthracene	120-12-7	0.059	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benz(b)fluoranthene	205-99-2	0.11	6.8
(difficult to distinguish from benzo(k)-fluoranthene)			
Benzo(k)fluoranthene	207-08-9	0.11	6.8
(difficult to distinguish from benzo(b)-fluoranthene)			
Benzo(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)-anthracene	53-70-3	0.055	8.2
2-4-Dimethylphenol	105-67-9	0.036	14
Fluorene	86-73-7	0.059	3.4
Hexachlorodibenzo-p-dioxins	NA	0.000063 or CMBST(11)	0.001 or CMBST(11)
Hexachlorodibenzofurans	NA	0.000063 or CMBST(11)	0.001 or CMBST(11)
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Pentachlorodibenzo-p-dioxins	A	0.000063 or CMBST(11)	0.001 or CMBST(11)
Pentachlorodibenzofurans	NA	0.000035 or CMBST(11)	0.001 or CMBST(11)
Pentachlorophenol	87-86-5	0.089	7.4
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2



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Tetrachloro-dibenzo-p-dioxins	NA	0.000063 or CMBST(11)	0.001 or CMBST(11)
Tetrachloro-dibenzo-furans	NA	0.000063 or CMBST(11)	0.001 or CMBST(11)
2,3,4,6-Tetra chlorophenol	58-90-2	0.030	7.4
2,4,6-Tri-chlorophenol	88-06-2	0.035	7.4
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Chromium	7440-47-3	2.77	0.86 mg/l TCLP
(Total)			

## F034

Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drilpage, and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.

Acenaphthene	83-32-9	0.059	3.4
Anthracene	120-12-7	0.059	3.4
Benzo(a)anthracene	56-55-3	0.059	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
Benzo(k)fluoranthene	207-08-9	0.11	6.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)pyrene	218-01-9	0.059	3.4
Benzo(a)anthracene	53-70-3	0.055	8.2
Fluorene	86-73-7	0.059	3.4
Indeno(1,2,3-c,d)pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6

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Pyrene	129-00-0	0.067	8.2
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Chromium	7440-47-3	2.77	0.86 mg/l TCLP
(Total)			

F035  
Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drilpage, and spent formulations from wood preserving processes that are generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.

Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Chromium	7440-47-3	2.77	0.86 mg/l TCLP
(Total)			

## F037

Petroleum refinery primary oil/water/solids separation sludge--Any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: oil/water/solids separators; tanks and impoundments; ditches and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludge generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated in treatment from other process or oily cooling waters, sludges generated in aggressive biological treatment units as defined in 35 Ill. Adm. Code 721.131(b)(2) (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing.

Acenaphthene	83-32-9	0.059	NA
Anthracene	120-12-7	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	218-01-9	0.059	3.4
Di-n-butyl phthalate	84-74-2	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers	1330-20-7	0.32	30

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(sum of o-, m-, and p-xylene concentrations)  
Chromium (Total)  
Cyanides (Total)  
Lead  
Nickel

7440-47-3 2.77 0.86 mg/l TCLP  
57-12-5 1.2 590  
7439-92-1 0.69 NA  
7440-02-0 NA 5.0 mg/l TCLP

## F038

Petroleum refinery secondary (emulsified) oil/water/solids separation sludge or float generated from the physical or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated in: induced air flotation (IAF) units, tanks and impoundments, and all sludges generated in DAF units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges and floats generated in aggressive biological treatment units as defined in 35 Ill. Adm. Code 721.131(b)(2) (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological units) and F037, K048, and K051 are not included in this listing.

Benzene 71-43-2 0.14 10  
Benzo(a)pyrene 50-32-8 0.061 3.4  
bis(2-Ethylhexyl) phthalate 117-81-7 0.28 28  
Chrysene 218-01-9 0.059 3.4  
Di-n-butyl phthalate 84-74-2 0.057 28  
Ethylbenzene 100-41-4 0.057 10  
Fluorene 86-73-7 0.059 NA  
Naphthalene 91-20-3 0.059 5.6  
Phenanthrene 85-01-8 0.059 5.6  
Phenol 108-95-2 0.039 6.2  
Pyrene 129-00-0 0.067 8.2  
Toluene 108-88-3 0.080 10  
Xylenes-mixed isomers 1330-20-7 0.32 30  
(sum of o-, m-, and p-xylene concentrations)  
Chromium (Total) 7440-47-3 2.77 0.86 mg/l TCLP  
Cyanides (Total)(7) 57-12-5 1.2 590  
Lead 7439-92-1 0.69 NA  
Nickel 7440-02-0 NA 5.0 mg/l TCLP

## F039

Leachate (liquids that have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as hazardous under Subpart D of this Part. (Leachate resulting from the disposal of one or more of the following USEPA hazardous wastes and no other hazardous wastes retains its USEPA hazardous waste numbers: F020, F021, F022, F026, F027, or

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## F028.).

Acenaphthylene 208-96-8 0.059 3.4  
Acenaphthene 83-32-9 0.059 3.4  
Acetone 67-64-1 0.28 160  
Acetonitrile 75-05-8 5.6 NA  
Acetophenone 96-86-2 0.010 9.7  
2-Acetylaminofluorene 53-96-3 0.059 140  
Acrolein 107-02-8 0.29 NA  
Acrylonitrile 107-13-1 0.24 84  
Aldrin 309-00-2 0.021 0.066  
4-Aminobiphenyl 92-67-1 0.13 NA  
Aniline 62-53-3 0.81 14  
Anthracene 120-12-7 0.059 3.4  
Aramite 140-57-8 0.36 NA  
alpha-BHC 319-84-6 0.00014 0.066  
beta-BHC 319-85-7 0.00014 0.066  
delta-BHC 319-86-8 0.023 0.066  
gamma-BHC 58-89-9 0.0017 0.066  
Benzene 71-43-2 0.14 10  
Bena(a)anthracene 56-55-3 0.059 3.4  
Benzo(b)fluoranthene 205-99-2 0.11 6.8  
(difficult to distinguish from benzo-(k)fluoranthene)  
Benzo(k)fluoranthene 207-08-9 0.11 6.8  
(difficult to distinguish from benzo-(b)fluoranthene)  
Benzo(g,h,i)perylene 191-24-2 0.0055 1.8  
Benzo(a)pyrene 50-32-8 0.061 3.4  
Bromodichloromethane 75-27-4 0.35 15  
Methyl bromide (Bromo-methane) 74-83-9 0.11 15  
4-Bromophenyl phenyl ether 101-55-3 0.055 15  
n-Butyl alcohol 71-36-3 5.6 2.6  
Butyl benzyl phthalate 85-68-7 0.017 28  
2-sec-Butyl-4,6-dinitrophenol (Dinoseb) 88-85-7 0.066 2.5  
Carbon disulfide 75-15-0 3.8 NA  
Carbon tetrachloride 56-23-5 0.057 6.0  
Chlordane (alpha and gamma isomers) 57-74-9 0.0033 0.26  
p-Chloroaniline 106-47-8 0.46 16  
Chlorobenzene 108-90-7 0.057 6.0  
Chlorobenzilate 510-15-6 0.10 NA  
2-Chloro-1,3-butadiene 126-99-8 0.057 NA  
Chlorodibromomethane 124-48-1 0.057 15

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2,4-Dichlorophenol	120-83-2	0.044	14
2,6-Dichlorophenol	87-65-0	0.044	14
1,2-Dichloropropane	78-87-5	0.85	18
cis-1,3-Dichloro-propylene	10061-01-5	0.036	18
trans-1,3-Dichloro-propylene	10061-02-6	0.036	18
Diethrin	60-57-1	0.017	0.13
Diethyl phthalate	84-66-2	0.20	28
2,4-Dimethyl phenol	105-67-9	0.036	14
Dimethyl phthalate	131-11-3	0.047	28
Di-n-butyl phthalate	84-74-2	0.057	28
1,4-Dinitrobenzene	100-25-4	0.32	2.3
4,6-Dinitro-o-cresol	534-52-1	0.28	160
2,4-Dinitrophenol	51-28-5	0.12	160
2,4-Dinitrotoluene	121-14-2	0.32	140
2,6-Dinitrotoluene	606-20-2	0.55	28
Di-n-octyl phthalate	117-84-0	0.017	28
Di-n-propylnitrosamine	621-64-7	0.40	14
1,4-Dioxane	123-91-1	12.0	170
Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	NA
Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	NA
Disulfoton	122-66-7	0.087	NA
Endosulfan I	298-04-4	0.017	6.2
Endosulfan II	939-98-8	0.023	0.066
Endosulfan sulfate	33213-6-5	0.029	0.13
Endrin	1031-07-8	0.029	0.13
Endrin aldehyde	72-20-8	0.0028	0.13
Ethyl acetate	7421-93-4	0.025	0.13
Ethyl cyanide (Propane-nitrile)	141-78-6	0.34	33
Ethyl benzene	107-12-0	0.24	360
Ethyl ether	100-41-4	0.057	10
bis(2-Ethylhexyl) phthalate	60-29-7	0.12	160
Ethyl methacrylate	117-81-7	0.28	28
Ethylene oxide	97-63-2	0.14	160
Famphur	75-21-8	0.12	NA
Fluoranthene	52-85-7	0.017	15
Fluorene	206-44-0	0.068	3.4
Heptachlor	86-73-7	0.059	3.4
Heptachlor epoxide	76-44-8	0.0012	0.066
	1024-57-3	0.016	0.066

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Chloroethane	75-00-3	0.27	6.0
bis(2-Chloroethoxy)-methane	111-91-1	0.036	7.2
bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
Chloroform	67-66-3	0.046	6.0
bis(2-Chloroisopropyl)-ether	39638-32-9	0.055	7.2
p-Chloro-m-cresol	59-50-7	0.018	14
Chloromethane (Methyl chloride)	74-87-3	0.19	30
2-Chloronaphthalene	91-58-7	0.055	5.6
2-Chlorophenol	95-57-8	0.044	5.7
3-Chloropropylene	107-05-1	0.036	30
Chrysene	218-01-9	0.059	3.4
o-Cresol	95-48-7	0.11	5.6
m-Cresol	108-39-4	0.77	5.6
(difficult to distinguish from p-cresol)	106-44-5	0.77	5.6
p-Cresol			
(difficult to distinguish from m-cresol)			
Cyclohexanone	108-94-1	0.36	NA
1,2-Dibromo-3-chloropropane	96-12-8	0.11	15
Ethylene dibromide (1,2-Dibromoethane)	106-93-4	0.028	15
Dibromomethane	74-95-3	0.11	15
2,4-D (2,4-Dichlorophenoxyacetic acid)	94-75-7	0.72	10
o,p'-DDD	53-19-0	0.023	0.087
p,p'-DDD	72-54-8	0.023	0.087
p,p'-DDD	3424-82-6	0.031	0.087
p,p'-DDE	72-55-9	0.031	0.087
p,p'-DDE	789-02-6	0.0039	0.087
p,p'-DDT	50-29-3	0.0039	0.087
p,p'-DDT	53-70-3	0.055	8.2
Dibenz(a,h)anthracene	192-65-4	0.061	NA
Dibenz(a,e)pyrene	541-73-1	0.036	6.0
m-Dichlorobenzene	95-50-1	0.088	6.0
o-Dichlorobenzene	106-46-7	0.090	6.0
p-Dichlorobenzene	75-71-8	0.23	7.2
Dichlorodifluoromethane	75-34-3	0.059	6.0
1,1-Dichloroethane	107-06-2	0.21	6.0
1,2-Dichloroethane	75-35-4	0.025	6.0
1,1-Dichloroethylene	156-60-5	0.054	30
trans-1,2-Dichloroethylene			



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Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro-dibenzofurans)	NA	0.000063	0.001
Hexachloroethane	67-72-1	0.055	30
Hexachloropropylene	1888-71-7	0.035	30
Indeno (1,2,3-c,d)pyrene	193-39-5	0.0055	3.4
Iodomethane	74-88-4	0.19	65
Isobutyl alcohol	78-83-1	5.6	170
Isodrin	465-73-6	0.021	0.066
Isosafrole	120-58-1	0.081	2.6
Kepone	143-50-8	0.0011	0.13
Methacrylonitrile	126-98-7	0.24	84
Methanol	67-56-1	5.6	NA
Methapyrene	91-80-5	0.081	1.5
Methoxychlor	72-43-5	0.25	0.18
3-Methylcholanthrene	56-49-5	0.0055	15
4,4-Methylene bis(2-chloroaniline)	101-14-4	0.50	30
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Methyl methacrylate	80-62-6	0.14	160
Methyl methansulfonate	66-27-3	0.018	NA
Methyl parathion	298-00-0	0.014	4.6
Naphthalene	91-20-3	0.059	5.6
2-Naphthylamine	91-59-8	0.52	NA
p-Nitroaniline	100-01-6	0.028	28
Nitrobenzene	98-95-3	0.068	14
5-Nitro-o-toluidine	99-55-8	0.32	28
p-Nitrophenol	100-02-7	0.12	29
N-Nitrosodiethylamine	55-18-5	0.40	28
N-Nitrosodimethylamine	62-75-9	0.40	NA
N-Nitroso-di-n-butylamine	924-16-3	0.40	17
N-Nitrosomethylethylamine	10595-95-6	0.40	2.3
N-Nitrosomorpholine	59-89-2	0.40	2.3
N-Nitrosopiperidine	100-75-4	0.013	35
N-Nitrosopyrrolidine	930-55-2	0.013	35
Parathion	56-38-2	0.014	4.6
Total PCBs	1336-36-3	0.10	10
(sum of all PCB isomers,			

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or all Aroclors)			
Pentachlorobenzene	608-93-5	0.055	10
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
PeCDFs (All Pentachlorodibenzofurans)	NA	0.000035	0.001
Pentachloronitrobenzene	82-68-8	0.055	4.8
Pentachlorophenol	87-86-5	0.089	7.4
Phenacetin	62-44-2	0.081	16
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Phorate	298-02-2	0.021	4.6
Phthalic anhydride	85-44-9	0.055	NA
Promamide	23950-58-5	0.093	1.5
Pyrene	129-00-0	0.067	8.2
Pyridine	110-86-1	0.014	16
Safrole	94-59-7	0.081	22
Silvex (2,4,5-TP)	93-72-1	0.72	7.9
2,4,5-T	93-76-5	0.72	7.9
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro-dibenzofurans)	NA	0.000063	0.001
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
Toluene	108-88-3	0.080	10
Toxaphene	8001-35-2	0.0095	2.6
Bromoform (Tribromomethane)	75-25-2	0.63	15
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Trichloromonofluoromethane	75-69-4	0.020	30
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
1,2,3-Trichloropropane	96-18-4	0.85	30
1,1,2-Trichloro-1,2-trifluoroethane	76-13-1	0.057	30
tris(2,3-Dibromopropyl)	126-72-7	0.11	NA

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<b>K004</b>	
Wastewater treatment sludge from the production of zinc yellow pigments.	
Chromium (Total)	7440-47-3 2.77 0.86 mg/l TCLP
Lead	7439-92-1 0.69 0.37 mg/l TCLP
<b>K005</b>	
Wastewater treatment sludge from the production of chrome green pigments.	
Chromium (Total)	7440-47-3 2.77 0.86 mg/l TCLP
Lead	7439-92-1 0.69 0.37 mg/l TCLP
Cyanides (Total)(7)	57-12-5 1.2 590
<b>K006</b>	
Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous).	
Chromium (Total)	7440-47-3 2.77 0.86 mg/l TCLP
Lead	7439-92-1 0.69 0.37 mg/l TCLP
<b>K006</b>	
Wastewater treatment sludge from the production of chrome oxide green pigments (hydrated).	
Chromium (Total)	7440-47-3 2.77 0.86 mg/l TCLP
Lead	7439-92-1 0.69 NA
<b>K007</b>	
Wastewater treatment sludge from the production of iron blue pigments.	
Chromium (Total)	7440-47-3 2.77 0.86 mg/l TCLP
Lead	7439-92-1 0.69 590
Cyanides (Total)(7)	57-12-5 1.2
<b>K008</b>	
Oven residue from the production of chrome oxide green pigments.	
Chromium (Total)	7440-47-3 2.77 0.86 mg/l TCLP
Lead	7439-92-1 0.69 0.37 mg/l TCLP
<b>K009</b>	
Distillation bottoms from the production of acetaldehyde from ethylene.	
Chloroform	67-66-3 0.046 6.0
<b>K010</b>	
Distillation side cuts from the production of acetaldehyde from ethylene.	
Chloroform	67-66-3 0.046 6.0
<b>K011</b>	
Bottom stream from the wastewater stripper in the production of acrylonitrile.	
Acetonitrile	75-05-8 5.6 38
Acrylonitrile	107-13-1 0.24 84
Acrylamide	79-06-1 19 23
Benzene	71-43-2 0.14 10

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<b>K001</b>	
Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote or pentachlorophenol.	
Naphthalene	91-20-3 0.059 5.6
Pentachlorophenol	87-86-5 0.089 7.4
Phenanthrene	85-01-8 0.059 5.6
Pyrene	129-00-0 0.067 8.2
Toluene	108-88-3 0.080 10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7 0.32 30
Lead	7439-92-1 0.69 0.37 mg/l TCLP
<b>K002</b>	
Wastewater treatment sludge from the production of chrome yellow and orange pigments.	
Chromium (Total)	7440-47-3 2.77 0.86 mg/l TCLP
Lead	7439-92-1 0.69 0.37 mg/l TCLP
<b>K003</b>	
Wastewater treatment sludge from the production of molybdate orange pigments.	
Chromium (Total)	7440-47-3 2.77 0.86 mg/l TCLP
Lead	7439-92-1 0.69 0.37 mg/l TCLP

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Cyanide (Total)	57-12-5	1.2	590
<b>K013</b>			
Bottom stream from the acetonitrile column in the production of acrylonitrile.			
Acetonitrile	75-05-8	5.6	38
Acrylonitrile	107-13-1	0.24	84
Acrylamide	79-06-1	19	23
Benzene	71-43-2	0.14	10
Cyanide (Total)	57-12-5	1.2	590
<b>K014</b>			
Bottoms from the acetonitrile purification column in the production of acrylonitrile.			
Acetonitrile	75-05-8	5.6	38
Acrylonitrile	107-13-1	0.24	84
Acrylamide	79-06-1	19	23
Benzene	71-43-2	0.14	10
Cyanide (Total)	57-12-5	1.2	590

<b>K015</b>			
Still bottoms from the distillation of benzyl chloride.			
Anthracene	120-12-7	0.059	3.4
Benzal chloride	98-87-3	0.055	6.0
Benzo(b)fluoranthene	205-99-2	0.11	6.8
(difficult to distinguish from benzo-(k)fluoranthene)			
Benzo(k)fluoranthene	207-08-9	0.11	6.8
(difficult to distinguish from benzo-(b)fluoranthene)			
Phenanthrene	85-01-8	0.059	5.6
Toluene	108-88-3	0.080	10
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Nickel	7440-02-0	3.98	5.0 mg/l TCLP

<b>K016</b>			
Heavy ends or distillation residues from the production of carbon tetrachloride.			
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
Hexachloroethane	67-72-1	0.055	30
Tetrachloroethylene	127-18-4	0.056	6.0

<b>K017</b>			
Heavy ends (still bottoms) from the purification column in the production of			

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epichlorohydrin.			
bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
1,2-Dichloropropane	78-87-5	0.85	18
1,2,3-Trichloropropane	96-18-4	0.85	30
<b>K018</b>			
Heavy ends from the fractionation column in ethyl chloride production.			
Chloroethane	75-00-3	0.27	6.0
Chloromethane	74-87-3	0.19	NA
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Pentachloroethane	76-01-7	NA	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0

<b>K019</b>			
Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.			

bis(2-Chloroethyl) ether	111-44-4	0.033	6.0
Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0
p-Dichlorobenzene	106-46-7	0.090	NA
1,2-Dichloroethane	107-06-2	0.21	6.0
Fluorene	86-73-7	0.059	NA
Hexachloroethane	67-72-1	0.055	30
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	NA
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,1-Trichloroethane	71-55-6	0.054	6.0

<b>K020</b>			
Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.			
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0

<b>K021</b>			
Aqueous spent antimony catalyst waste from fluoromethanes production.			
Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Antimony	7440-36-0	1.9	2.1 mg/l TCLP



## POLLUTION CONTROL BOARD

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K022 Distillation bottom tars from the production of phenol or acetone from cumene.

Toluene 108-88-3 0.080 10  
Acetophenone 96-86-2 0.010 9.7  
Diphenylamine 122-39-4 0.92 13

(difficult to distinguish from diphenylnitrosamine)

(difficult to distinguish from diphenylamine)

Phenol 108-95-2 0.039 6.2

Chromium (Total) 7440-47-3 2.77 0.86 mg/l TCLP

Nickel 7440-02-0 3.98 5.0 mg/l TCLP

K023 Distillation light ends from the production of phthalic anhydride from naphthalene.

Phthalic anhydride 100-21-0 0.055 28

(measured as Phthalic acid or Terephthalic acid)

Phthalic anhydride 85-44-9 0.055 28

(measured as Phthalic acid or Terephthalic acid)

K024 Distillation bottoms from the production of phthalic anhydride from naphthalene.

Phthalic anhydride 100-21-0 0.055 28

(measured as Phthalic acid or Terephthalic acid)

Phthalic anhydride 85-44-9 0.055 28

(measured as Phthalic acid or Terephthalic acid)

K025 Distillation bottoms from the production of nitrobenzene by the nitration of benzene.

NA NA LLEXT fb SSRRP CMBST

fb CARBN; or CMBST

K026

Stripping still tails from the production of methyl ethyl pyridines. NA CMBST

K027 Centrifuge and distillation residues from the toluene diisocyanate production. NA CMBST

NA CMBST

Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane. 75-34-3 0.059 6.0

trans-1,2-Dichloroethylene 156-60-5 0.054 30

Hexachlorobutadiene 87-68-3 0.055 5.6

Hexachloroethane 67-72-1 0.055 30

Pentachloroethane 76-01-7 NA 6.0

1,1,1,2-Tetrachloroethane 630-20-6 0.057 6.0

1,1,2,2-Tetrachloroethane 79-34-6 0.057 6.0

Tetrachloroethylene 127-18-4 0.056 6.0

1,1,1-Trichloroethane 71-55-6 0.054 6.0

1,1,2-Trichloroethane 79-00-5 0.054 6.0

Cadmium 7440-43-9 0.69 NA

Chromium (Total) 7440-47-3 2.77 0.86 mg/l TCLP

Lead 7439-92-1 0.69 0.37 mg/l TCLP

Nickel 7440-02-0 3.98 5.0 mg/l TCLP

K029 Waste from the product steam stripper in the production of 1,1,1-trichloroethane. 67-66-3 0.046 6.0

Chloroform 107-06-2 0.21 6.0

1,2-Dichloroethane 75-35-4 0.025 6.0

1,1,1-Trichloroethane 71-55-6 0.054 6.0

Vinyl chloride 75-01-4 0.27 6.0

K030 Column bodies or heavy ends from the combined production of trichloroethylene and perchloroethylene. 95-50-1 0.088 NA

o-Dichlorobenzene 106-46-7 0.090 NA

p-Dichlorobenzene 87-68-3 0.055 5.6

Hexachlorobutadiene 67-72-1 0.055 30

Hexachloroethane 1888-71-7 NA 30

Hexachloropropylene 608-93-5 NA 10

Pentachlorobenzene 76-01-7 NA 6.0

Pentachloroethane

## POLLUTION CONTROL BOARD

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1,2,4,5-Tetrachloro- 95-94-3 0.055 14  
benzene  
Tetrachloroethylene 127-18-4 0.056 6.0  
1,2,4-Trichlorobenzene 120-82-1 0.055 19  
K031  
By-product salts generated in the production of MSMA and cacodylic acid.  
Arsenic 7440-38-2 1.4 5.0 mg/l TCLP

K032  
Wastewater treatment sludge from the production of chlordane.  
Hexachlorocyclopenta- 77-47-4 0.057 2.4  
diene  
Chlordane (alpha and 57-74-9 0.0033 0.26  
gamma isomers)  
Heptachlor 76-44-8 0.0012 0.066  
Heptachlor epoxide 1024-57-3 0.016 0.066

K033  
Wastewater and scrub water from the chlorination of cyclopentadiene in the  
production of chlordane.  
Hexachlorocyclopenta- 77-47-4 0.057 2.4  
diene

K034  
Filter solids from the filtration of hexachlorocyclopentadiene in the production  
of chlordane.  
Hexachlorocyclopenta- 77-47-4 0.057 2.4  
diene

K035  
Wastewater treatment sludges generated in the production of creosote.  
Acenaphthene 83-32-9 NA 3.4  
Anthracene 120-12-7 NA 3.4  
Benz(a)anthracene 56-55-3 0.059 3.4  
Benzo(a)pyrene 50-32-8 0.061 3.4  
Chrysene 218-01-9 0.059 3.4  
o-Cresol 95-48-7 0.11 5.6  
m-Cresol 108-39-4 0.77 5.6  
(difficult to  
distinguish from p-  
cresol)  
p-Cresol 106-44-5 0.77 5.6  
(difficult to  
distinguish from m-  
cresol)  
Dibenz(a,h)anthracene 53-70-3 NA 8.2  
Fluoranthene 206-44-0 0.068 3.4

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Fluorene 86-73-7 NA 3.4  
Indeno(1,2,3-cd)pyrene 193-39-5 NA 3.4  
Naphthalene 91-20-3 0.059 5.6  
Phenanthrene 85-01-8 0.059 5.6  
Phenol 108-95-2 0.039 6.2  
Pyrene 129-00-0 0.067 8.2

K036  
Still bottoms from toluene reclamation distillation in the production of  
disulfoton.  
Disulfoton 298-04-4 0.017 6.2

K037  
Wastewater treatment sludges from the production of disulfoton.  
Disulfoton 298-04-4 0.017 6.2  
Toluene 108-88-3 0.080 10

K038  
Wastewater from the washing and stripping of phorate production.  
Phorate 298-02-2 0.021 4.6

K039  
Filter cake from the filtration of diethylphosphorodithioic acid in the  
production of phorate.  
NA NA CARBN; or CMBST

K040  
Wastewater treatment sludge from the production of phorate.  
Phorate 298-02-2 0.021 4.6

K041  
Wastewater treatment sludge from the production of toxaphene.  
Toxaphene 8001-35-2 0.0095 2.6

K042  
Heavy ends or distillation residues from the distillation of tetrachlorobenzene  
in the production of 2,4,5-T.  
o-Dichlorobenzene 95-50-1 0.088 6.0  
p-Dichlorobenzene 106-46-7 0.090 6.0  
Pentachlorobenzene 608-93-5 0.055 10  
1,2,4,5-Tetrachloro- 95-94-3 0.055 14  
benzene  
1,2,4-Trichlorobenzene 120-82-1 0.055 19

K043  
2,6-Dichlorophenol waste from the production of 2,4-D.  
2,4-Dichlorophenol 120-83-2 0.044 14

POLLUTION CONTROL BOARD  
NOTICE OF PROPOSED AMENDMENTS

Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-33	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	5.0 mg/l TCLP

K049  
Stop oil emulsion solids from the petroleum refining industry.

Anthracene	120-12-7	0.059	3.4
Benzo(a)pyrene	71-43-2	0.14	10
bis(2-Ethylhexyl) phthalate	50-32-8	0.061	3.4
Carbon disulfide	117-81-7	0.28	28
Chrysene	75-15-0	3.8	NA
2,4-Dimethylphenol	2218-01-9	0.059	3.4
Ethylbenzene	105-67-9	0.036	NA
Naphthalene	100-41-4	0.057	10
Phenanthrene	91-20-3	0.059	5.6
Phenol	85-01-8	0.059	5.6
Pyrene	108-95-2	0.039	6.2
Toluene	129-00-0	0.067	8.2
Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations)	108-88-3	0.080	10
Cyanides (Total)(7)	1330-20-7	0.32	30
Chromium (Total)	57-12-5	1.2	590
Lead	7440-47-3	2.77	0.86 mg/l TCLP
Nickel	7439-92-1	0.69	NA
	7440-02-0	NA	5.0 mg/l TCLP

K050  
Heat exchanger bundle cleaning sludge from the petroleum refining industry.

Benzo(a)pyrene	50-32-8	0.061	3.4
Phenol	108-95-2	0.039	6.2
Cyanides (Total)(7)	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	5.0 mg/l TCLP

K051  
API separator sludge from the petroleum refining industry.

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2,6-Dichlorophenol	187-65-0	0.044	14
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
Pentachlorophenol	87-86-5	0.089	7.4
Tetrachloroethylene	127-18-4	0.056	6.0
HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.00063	0.001
HxCDFs (All Hexachloro-dibenzofurans)	NA	0.00063	0.001
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	NA	0.00063	0.001
PeCDFs (All Pentachloro-dibenzofurans)	NA	0.00063	0.001
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.00063	0.001
TCDFs (All Tetrachloro-dibenzofurans)	NA	0.00063	0.001

K044  
Wastewater treatment sludges from the manufacturing and processing of explosives.

Lead	7439-92-1	0.69	0.37 mg/l TCLP
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K045  
Spent carbon from the treatment of wastewater containing explosives.

Lead	7439-92-1	0.69	0.37 mg/l TCLP
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K046  
Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.

Lead	7439-92-1	0.69	0.37 mg/l TCLP
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K047  
Pink or red water from TNT operations.

NA	DEACT	DEACT
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K048  
Dissolved air flotation (DAF) float from the petroleum refining industry.

Benzo(a)pyrene	71-43-2	0.14	10
bis(2-Ethylhexyl) phthalate	50-32-8	0.61	3.4
Chrysene	117-81-7	0.28	28
Di-n-butyl phthalate	218-01-9	0.059	3.4
Ethylbenzene	84-74-2	0.057	28
Fluorene	100-41-4	0.057	10
	86-73-7	0.059	NA



## POLLUTION CONTROL BOARD

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Acenaphthene	83-32-9	0.059	NA
Anthracene	120-12-7	0.059	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	2218-01-9	0.059	3.4
Di-n-butyl phthalate	105-67-9	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.08	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Cyanides (Total)(7)	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	5.0 mg/l TCLP
K052			
Tank bottoms (lead) from the petroleum refining industry.			
Benzene	71-43-2	0.14	10
Benzo (a)pyrene	50-32-8	0.061	3.4
o-Cresol	95-48-7	0.11	5.6
m-Cresol	108-39-4	0.77	5.6
(difficult to distinguish from p-cresol)			
p-Cresol	106-44-5	0.77	5.6
(difficult to distinguish from m-cresol)			
2,4-Dimethylphenol	105-67-9	0.036	NA
Ethylbenzene	100-41-4	0.057	10
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Toluene	108-88-3	0.08	10
Xylene-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590

## POLLUTION CONTROL BOARD

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Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	5.0 mg/l TCLP
K060			
Ammonia still lime sludge from coking operations.			
Benzene	71-43-2	0.14	10
Benzo(a) pyrene	50-32-8	0.061	3.4
Naphthalene	91-20-3	0.059	5.6
Phenol	108-95-2	0.039	6.2
Cyanides (Total)(7)	57-12-5	1.2	590
K061			
Emission control dust or sludge from the primary production of steel in electric furnaces.			
Antimony	7440-36-0	NA	2.1 mg/l TCLP
Arsenic	7440-38-2	NA	5.0 mg/l TCLP
Barium	7440-39-3	NA	7.6 mg/l TCLP
Beryllium	7440-41-7	NA	0.014 mg/l TCLP
Cadmium	7440-43-9	0.69	0.19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Lead	7439-92-1	0.69	0.37 mg/l TCLP
Mercury	7439-97-6	NA	0.025 mg/l TCLP
Nickel	7440-02-0	3.98	5.0 mg/l TCLP
Selenium	7782-49-2	NA	0.16 mg/l TCLP
Silver	7740-22-4	NA	0.30 mg/l TCLP
Thallium	7440-28-0	NA	0.078 mg/l TCLP
Zinc	7440-66-6	NA	5.3 mg/l TCLP
K062			
Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332).			
Chromium (Total)	7740-47-3	2.77	0.86 mg/l TCLP
Lead	7439-92-1	0.69	0.37 mg/l TCLP
Nickel	7440-02-0	3.98	NA
K069			
Emission control dust or sludge from secondary lead smelting. - Calcium sulfate (Low Lead) Subcategory			
Cadmium	7440-43-9	0.69	0.19 mg/l TCLP
Lead	7439-92-1	0.69	0.37 mg/l TCLP
K069			
Emission control dust or sludge from secondary lead smelting. - Non-Calcium sulfate (High Lead) Subcategory			
NA	NA	NA	RLEAD
K071			
K071 (Brine purification muds from the mercury cell process in chlorine			

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production, where separately prepurified brine is not used) nonwastewaters that are residues from RMERC.

Mercury 7439-97-6 NA 0.20 mg/l TCLP

K071  
K071 (Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is to used) nonwastewaters that are not residues from RMERC.

Mercury 7439-97-6 NA 0.025 mg/l TCLP

K071  
All K071 wastewaters.

Mercury 7439-97-6 0.015 NA

K073  
Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production.

Carbon tetrachloride 56-23-5 0.057 6.0  
Chloroform 67-66-3 0.046 6.0  
Hexachloroethane 67-72-1 0.055 30  
Tetrachloroethylene 127-18-4 0.056 6.0  
1,1,1-Trichloroethane 71-55-6 0.054 6.0

K083  
Distillation bottoms from aniline production.

Aniline 62-53-3 0.81 14  
Benzene 71-43-2 0.14 10  
Cyclohexanone 108-94-1 0.36 NA  
Diphenylamine 122-39-4 0.92 13

(difficult to distinguish from diphenylnitrosamine)

Diphenylnitrosamine 86-30-6 0.92 13

(difficult to distinguish from diphenylamine)

Nitrobenzene 98-95-3 0.068 14  
Phenol 108-95-2 0.039 6.2  
Nickel 7440-02-0 3.98 5.0 mg/l TCLP

K084  
Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

Arsenic 7440-38-2 1.4 5.0 mg/l TCLP

K085  
Distillation or fractionation column bottoms from the production of

## POLLUTION CONTROL BOARD

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chlorobenzenes.

Benzene 71-43-2 0.14 10

Chlorobenzene 108-90-7 0.057 6.0

m-Dichlorobenzene 541-73-1 0.036 6.0

o-Dichlorobenzene 95-50-1 0.088 6.0

p-Dichlorobenzene 106-46-7 0.090 6.0

Hexachlorobenzene 118-74-1 0.055 10

Total PCBs 1336-36-3 0.10 10

(sum of all PCB isomers, or all Aroclors)

Pentachlorobenzene 608-93-5 0.055 10

1,2,4,5-Tetrachlorobenzene 95-94-3 0.055 14

benzene 120-82-1 0.055 19

## K086

Solvent wastes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead.

Acetone 67-64-1 0.28 160

Acetophenone 96-86-2 0.010 9.7

bis(2-Ethylhexyl) phthalate 117-81-7 0.28 28

n-Butyl alcohol 71-36-3 5.6 2.6

Butylbenzyl phthalate 85-68-7 0.017 28

Cyclohexanone 108-94-1 0.36 NA

o-Dichlorobenzene 95-50-1 0.088 6.0

Diethyl phthalate 84-66-2 0.20 28

Dimethyl phthalate 131-11-3 0.047 28

Di-n-butyl phthalate 84-74-2 0.057 28

Di-n-octyl phthalate 117-84-0 0.017 28

Ethyl acetate 141-78-6 0.34 33

Ethylbenzene 100-41-4 0.057 10

Methanol 67-56-1 5.6 NA

Methyl ethyl ketone 78-93-3 0.28 36

Methyl isobutyl ketone 108-10-1 0.14 33

Methylene chloride 75-09-2 0.089 30

Naphthalene 91-20-3 0.059 5.6

Nitrobenzene 98-95-3 0.068 14

Toluene 108-88-3 0.080 10

1,1,1-Trichloroethane 71-55-6 0.054 6.0

Trichloroethylene 79-01-6 0.032 30

Xylenes-mixed isomers 1330-20-7 0.32 30

(sum of o-, m-, and p-xylene concentrations)

Chromium (Total) 7440-47-3 2.77 0.86 mg/l TCLP

Cyanides (Total)(7) 57-12-5 1.2 590

Lead 7439-92-1 0.69 0.37 mg/l TCLP

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K087

Decanter tank tar sludge from coking operations.

Acenaphthylene	208-96-8	0.059	3.4
Benzene	71-43-2	0.14	10
Chrysene	218-01-9	0.059	3.4
Fluoranthene	206-44-0	0.068	3.4
Indenol(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations)	1330-20-7	0.32	30

0.37 mg/l TCLP

K088

Spent potliners from primary aluminum reduction.

Acenaphthene	83-32-9	0.059	3.4
Anthracene	120-12-7	0.059	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
Benzo(k)fluoranthene	207-08-9	0.11	6.8
Benzo(g,h,i)perylene	191-24-2	0.11	1.8
Chrysene	218-01-9	0.0055	1.8
Dibenz(a,h)anthracene	53-70-3	0.059	3.4
Fluoranthene	206-44-0	0.055	8.2
Indeno(1,2,3-c,d)pyrene	193-39-5	0.068	3.4
Phenanthrene	85-01-8	0.0055	3.4
Pyrene	129-00-0	0.059	5.6
Antimony	7440-36-0	0.067	8.2
Arsenic	7440-38-2	1.9	2.1 mg/l TCLP
Barium	7440-39-3	1.4	5.0 mg/l TCLP
Beryllium	7440-41-7	1.2	7.6 mg/l TCLP
Cadmium	7440-43-9	0.82	0.014 mg/l TCLP
Chromium (Total)	7440-47-3	0.69	0.19 mg/l TCLP
Lead	7439-92-1	2.77	0.86 mg/l TCLP
Mercury	7439-97-6	0.69	0.37 mg/l TCLP
Nickel	7440-02-0	0.15	0.025 mg/l TCLP
Selenium	7782-49-2	3.98	5.0 mg/l TCLP
Silver	7440-22-4	0.82	0.16 mg/l TCLP
Cyanide (Total)(7)	57-12-5	0.43	0.30 mg/l TCLP
Cyanide (Amenable)(7)	57-12-5	1.2	590
Fluoride	16984-48-8	0.86	30
		35	48 mg/l TCLP

K093

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Distillation light ends from the production of phthalic anhydride from ortho-xylene.

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
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Phthalic anhydride  
(measured as Phthalic  
acid or Terephthalic  
acid)

K094

Distillation bottoms from the production of phthalic anhydride from ortho-xylene.

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
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Phthalic anhydride  
(measured as Phthalic  
acid or Terephthalic  
acid)

K095

Distillation bottoms from the production of 1,1,1-trichloroethane.

Hexachloroethane	67-72-1	0.055	30
Pentachloroethane	76-01-7	0.055	6.0
1,1,1,2-Tetrachloro- ethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloro- ethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0

K096

Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.

m-Dichlorobenzene	541-73-1	0.036	6.0
Pentachloroethane	76-01-7	0.055	6.0
1,1,1,2-Tetrachloro- ethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloro- ethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0



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K097 Vacuum stripper discharge from the chlordane chlorinator in the production of chlordane.  
 Chlordane alpha and gamma isomers) 57-74-9 0.0033 0.26  
 Heptachlor 76-44-8 0.0012 0.066  
 Heptachlor epoxide 1024-57-3 0.016 0.066  
 Hexachlorocyclopentadiene 77-47-4 0.057 2.4

K098 Untreated process wastewater from the production of toxaphene.  
 Toxaphene 8001-35-2 0.0095 2.6

K099 Untreated wastewater from the production of 2,4-D.  
 2,4-Dichlorophenoxy- 94-75-7 0.72 10

acetic acid  
 HxCDDs (All Hexachloro- NA 0.000063 0.001  
 dibenzo-p-dioxins)  
 HxCDFs (All Hexachloro- NA 0.000063 0.001  
 dibenzofurans)  
 PeCDDs (All Pentachloro- NA 0.000063 0.001  
 dibenzo-p-dioxins)  
 PeCDFs (All Pentachloro- NA 0.000035 0.001  
 dibenzofurans)  
 TCDDs (All Tetrachloro- NA 0.000063 0.001  
 dibenzo-p-dioxins)  
 TCDFs (All Tetrachloro- NA 0.000063 0.001  
 dibenzofurans)

K100 Waste leaching solution from acid leaching of emission control dust or sludge from secondary lead smelting.

Cadmium 7440-43-9 0.69 0.19 mg/l TCLP  
 Chromium (Total) 7440-47-3 2.77 0.86 mg/l TCLP  
 Lead 7439-92-1 0.69 0.37 mg/l TCLP

K101 Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

o-Nitroaniline 88-74-4 0.27 14  
 Arsenic 7440-38-2 1.4 5.0 mg/l TCLP  
 Cadmium 7440-43-9 0.69 NA  
 Lead 7439-92-1 0.69 NA  
 Mercury 7439-97-6 0.15 NA

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K102 Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

o-Nitrophenol 88-75-5 0.028 13  
 Arsenic 7440-38-2 1.4 5.0 mg/l TCLP  
 Cadmium 7440-43-9 0.069 NA  
 Lead 7439-92-1 0.69 NA  
 Mercury 7439-97-6 0.15 NA

K103 Process residues from aniline extraction from the production of aniline.

Aniline 62-53-3 0.81 14  
 Benzene 71-43-2 0.14 10  
 2,4-Dinitrophenol 51-28-5 0.12 160  
 Nitrobenzene 98-95-3 0.068 14  
 Phenol 108-95-2 0.039 6.2

K104 Combined wastewater streams generated from nitrobenzene or aniline production.

Aniline 62-53-3 0.81 14  
 Benzene 71-43-2 0.14 10  
 2,4-Dinitrophenol 51-28-5 0.12 160  
 Nitrobenzene 98-95-3 0.068 14  
 Phenol 108-95-2 0.039 6.2  
 Cyanides (Total)(7) 57-12-5 1.2 590

K105 Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.

Benzene 71-43-2 0.14 10  
 Chlorobenzene 108-90-7 0.057 6.0  
 2-Chlorophenol 95-57-8 0.044 5.7  
 o-Dichlorobenzene 95-50-1 0.088 6.0  
 p-Dichlorobenzene 106-46-7 0.090 6.2  
 Phenol 108-95-2 0.039 7.4  
 2,4,5-Trichlorophenol 95-95-4 0.18 7.4  
 2,4,6-Trichlorophenol 88-06-2 0.035

K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain greater than or equal to 260 mg/kg total mercury.

Mercury 7439-97-6 NA RMERC

K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain less than 260 mg/kg total mercury that are residues from RMERC.

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Mercury	7439-97-6	NA	0.20 mg/l TCLP
K106			
Other K106 nonwastewaters that contain less than 260 mg/kg total mercury and are not residues from RMERC.			
Mercury	7439-97-6	NA	0.025 mg/l TCLP
K106			
All K106 wastewaters.			
Mercury	7439-97-6	0.15	NA
K107			
Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.			
NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
K108			
Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.			
NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
K109			
Spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.			
NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
K110			
Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.			
NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
K111			
Product washwaters from the production of dinitrotoluene via nitration of toluene.			

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2,4-Dinitrotoluene	121-1-1	0.32	140
2,6-Dinitrotoluene	606-20-2	0.55	28
K112			
Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.			
NA	NA	CMBST; or CHOXD fb CARBN; or BIODG fb CARBN	CMBST
K113			
Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.			
NA	NA	CARBN; or CMBST	CMBST
K114			
Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.			
NA	NA	CARBN; or CMBST	CMBST
K115			
Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.			
Nickel	7440-02-0	3.98	5.0 mg/l TCLP
NA	NA	CARBN; or CMBST	CMBST
K116			
Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.			
NA	NA	CARBN; or CMBST	CMBST
K117			
Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.			
Methyl bromide (Bromo-methane)	74-83-9	0.11	15
Chloroform	67-66-3	0.046	6.0
Ethylene-dibromide (1,2-Dibromoethane)	106-93-4	0.028	15
K118			
Spent absorbent solids from purification of ethylene dibromide in the			

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production of ethylene dibromide via bromination of ethene. Methyl bromide (Bromo- methane)	74-83-9 0.11	15
Chloroform	67-66-3 0.046	6.0
Ethylene dibromide (1,2-Dibromoethane)	106-93-4 0.028	15
K123 Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylenebisdithiocarbamic acid and its salts.	NA CMBST; or CHOXD fb (BIOGD or CARBN)	CMBST
K124 Reactor vent scrubber water from the production of ethylenebisdithiocarbamic acid and its salts.	NA CMBST; or CHOXD fb (BIOGD or CARBN)	CMBST
K125 Filtration, evaporation, and centrifugation solids from the production of ethylenebisdithiocarbamic acid and its salts.	NA CMBST; or CHOXD fb (BIOGD or CARBN)	CMBST
K126 Baghouse dust and floor sweeping in milling and packaging operations from the production or formulation of ethylenebisdithiocarbamic acid and its salts.	NA CMBST; or CHOXD fb (BIOGD or CARBN)	CMBST
K131 Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.	NA CMBST; or CHOXD fb (BIOGD or CARBN)	15
Methyl bromide (Bromo- methane)	74-83-9 0.11	15
K132 Spent absorbent and wastewater separator solids from the production of methyl bromide.	NA CMBST; or CHOXD fb (BIOGD or CARBN)	15
Methyl bromide (Bromo- methane)	74-83-9 0.11	15
K136 Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	74-83-9 0.11	15
Methyl bromide (Bromo- methane)	74-83-9 0.11	15
Chloroform	67-66-3 0.046	6.0
Ethylene dibromide (1,2-Dibromoethane)	106-93-4 0.028	15
K141 Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke or the recovery of coke by-products produced from coal. This listing does not include K087 (Decanter tank tar sludge from coking operations).	71-43-2 0.14 56-55-3 0.059 50-2-8 0.061 205-99-2 0.11 distinguish from benzo- (k)fluoranthene 207-08-9 0.11 distinguish from benzo- (b)fluoranthene 218-01-9 0.059 Chrysene 53-70-3 0.055 Indeno(1,2,3-cd)pyrene 193-39-5 0.0055	10 3.4 3.4 6.8 6.8 3.4 8.2 3.4
K142 Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.	71-43-2 0.14 56-55-3 0.059 50-32-8 0.061 205-99-2 0.11 distinguish from benzo- (k)fluoranthene 207-08-9 0.11 distinguish from benzo- (b)fluoranthene 218-01-9 0.059 Chrysene 53-70-3 0.055 Dibenz(a,h)anthracene	10 3.4 3.4 6.8 6.8 3.4 8.2 3.4



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Ideno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
<b>K143</b>			
Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal.			
Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
(difficult to distinguish from benzo-(k)fluoranthene)			
Benzo(k)fluoranthene	207-08-9	0.11	6.8
(difficult to distinguish from benzo-(b)fluoranthene)			
Chrysene	218-01-9	0.059	3.4
<b>K144</b>			
Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products produced from coal.			
Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
(difficult to distinguish from benzo-(k)fluoranthene)			
Benzo(k)fluoranthene	207-08-9	0.11	6.8
(difficult to distinguish from benzo-(b)fluoranthene)			
Chrysene	218-01-9	0.059	3.4
<b>K145</b>			
Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.			
Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Naphthalene	91-20-3	0.059	5.6
<b>K147</b>			

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Tar storage tank residues from coal tar refining.			
Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
(difficult to distinguish from benzo-(k)fluoranthene)			
Benzo(k)fluoranthene	207-08-9	0.11	6.8
(difficult to distinguish from benzo-(b)fluoranthene)			
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
<b>K148</b>			
Residues from coal tar distillation, including, but not limited to, still bottoms.			
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
(difficult to distinguish from benzo-(k)fluoranthene)			
Benzo(k)fluoranthene	207-08-9	0.11	6.8
(difficult to distinguish from benzo-(b)fluoranthene)			
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
<b>K149</b>			
Distillation bottoms from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillations of benzyl chloride.)			
Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Chloromethane	74-87-3	0.19	30
p-Dichlorobenzene	106-46-7	0.090	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
Toluene	108-88-3	0.080	10

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**K150** Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chloride, and compounds with mixtures of these functional groups.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Chloromethane	74-87-3	0.19	30
p-Dichlorobenzene	106-46-7	0.090	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachloro-	95-94-3	0.055	14

1,2,4,5-Tetrachloro- benzene	95-94-3	0.055	1.4
1,1,2,2-Tetrachloro- ethane	79-34-5	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	1.9
K151			
Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.			

Substance	Concentration range, %
Benzene	71-43-2
Carbon tetrachloride	56-23-5
Chloroform	67-66-3
Hexachlorobenzene	118-74-1
Pentachlorobenzene	608-93-5
1,2,4,5-Tetrachloro- benzene	95-94-3
Tetrachloroethylene	127-18-4
Toluene	108-88-3

Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propyl-n-butylcarbamate.)(10)

Compound	75-05-8	5.6	38
Acetonitrile	96-86-2	0.010	9.7
Acetophenone	62-53-3	0.81	14
Aniline	17804-35-2	0.056	1.4
Benomyl	71-43-2	0.14	10
Benzene	63-25-21	0.006	0.14
Carbaryl	10605-21-7	0.056	1.4
Carbenzadim	1563-66-2	0.006	0.14
Carbofuran	55285-14-8	0.028	1.4
Carbosulfan	108-90-7	0.057	6.0
Chlorobenzene			

K159 : cost the treatment of thiocarbamate wastes. (10)

Organics from the treatment of thiocarbamate wastes. (2)	
Benzene	71-43-2
Butylate	2008-41-5
EPIC (Eptam)	759-94-4
Molinate	2212-67-1
Pebulate	1114-71-2
Vernolate	1929-77-7

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Chloroform	67-66-3	0.046	6.0
o-Dichlorobenzene	95-50-1	0.088	6.0
Methomyl	16752-77-5	0.028	0.14
Methylene chloride	75-09-2	0.089	30
78-93-3		0.28	36
Methyl ethyl ketone	91-20-3	0.059	5.6
Naphthalene	108-95-2	0.039	6.2
Phenol	110-86-1	0.014	16
Pyridine	108-88-3	0.080	10
Toluene	121-44-8	0.081	1.5
N-Ethylamine			

KL57 Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbonates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 2-iodo-2-propyl-p-butylocarbonate.) (10)

3-iodo-2-propyl- <i>n</i> -butylcarbamate	56-23-5	0.057	6.0
Carbon tetrachloride	67-66-3	0.046	6.0
Chloroform	74-87-3	0.19	30
Chloromethane	16752-77-5	0.028	0.14
Methomyl	75-09-2	0.089	30
Methylene chloride	78-93-3	0.28	36
Methyl ethyl ketone	95-54-5	0.056	5.6
<i>n</i> -Phenylenediamine	110-86-1	0.014	16
Pyridine	121-44-8	0.081	1.5
Triethylamine			

K. 8  
Ba. mouse dusts and filter/separation solids from the production of carbamates and oximes. (This listing does not apply to wastes generated from carbamoyl-*n*-butylcarbamate.) (10)

the manufacture of 3-iodo-2-propyl-n-butylcarbamate, (10)	
Benzoyl	0.056
Benzene	17804-35-2
Carbenzadim	71-43-2
Carbofuran	10605-21-7
Carbosulfan	1563-66-2
Chloroform	55285-14-8
Methylene chloride	67-66-3
phenol	75-09-2
	108-95-2
	0.039
	0.089
	67-66-3
	0.046
	55285-14-8
	0.028
	1563-66-2
	0.006
	10605-21-7
	0.056
	71-43-2
	0.14
	17804-35-2
	0.056
	10
	1.4
	1.4
	1.4
	6.0
	30
	6.2

Organics from the treatment of thiocarbamate wastes.(10)	
Benzene	71-43-2 0.14
Butylate	2008-41-5 0.042
EPTC (Eptam)	759-94-4 0.042
Molinatc	2212-67-1 0.042
Pebulate	1114-71-2 0.042
Vernolate	1929-77-7 0.042

Organics from the treatment of thiocarbonate wastes. (20)		
Benzene	71-43-2	0.14
Butylate	2008-41-5	0.042
EPTC (Eptam)	759-94-4	0.042
Mollinate	2212-67-1	0.042
Pebulate	1114-71-2	0.042
Vernolate	1929-77-7	0.042

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K161 Purification solids (including filtration, evaporation, and centrifugation solids), baghouse dust and floor sweepings from the production of dithiocarbamate acids and their salts.(10) Antimony Arsenic Carbon disulfide Dithiocarbamates (total) Lead Nickel Selenium	7440-36-0	1.9	2.1 mg/l TCLP
	7440-38-2	1.9	5.0 mg/l TCLP
	75-15-0	3.8	4.8 mg/l TCLP
	NA	0.028	28
	7439-92-1	0.69	0.37 mg/l TCLP
	7440-02-0	3.98	5.0 mg/l TCLP
	7782-49-2	0.82	0.16 mg/l TCLP
	P001		
	Warfarin, & salts, when present at concentrations greater than 0.3%		
	Warfarin	81-81-2 (WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P002 1-Acetyl-2-thiourea 1-Acetyl-2-thiourea	591-08-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P003 Acrolein Acrolein	107-02-8	0.29	CMBST
P004 Aldrin Aldrin	309-00-2	0.021	0.066
P005 Allyl alcohol Allyl alcohol	107-18-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P006 Aluminum phosphide Aluminum phosphide	20859-73-8	CHOXD;CHRED; or CMBST	CHOXD;CHRED; or CMBST
P007			

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5-Aminomethyl-3-isoxazolol 5-Aminomethyl-3-isoxazolol	2763-96-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P008 4-Aminopyridine 4-Aminopyridine	504-24-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P009 Ammonium picrate Ammonium picrate	131-74-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
P010 Arsenic acid Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
P011 Arsenic pentoxide Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
P012 Arsenic trioxide Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
P013 Barium cyanide Barium Cyanides (Total)(7) Cyanides (Amendable)(7)	7440-39-3 57-12-5 57-12-5	NA 1.2 0.86	7.6 mg/l TCLP 590 30
P014 Thiophenol (Benzene thiol) Thiophenol (Benzene thiol)	108-98-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P015 Beryllium dust Beryllium	7440-41-7	RMETL; or RTHRM	RMETL; or



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P016 Dichloromethyl ether (Bis(chloromethyl)ether) 542-88-1 Dichloromethyl ether	(WETOX or CHOXD) fb CARBN; or CMBST	RTHRM			
P017 Bromoacetone Bromoacetone	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	598-31-2		
P018 Brucine Brucine	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	357-57-3		
P020 2-sec-Butyl-4,6-dinitrophenol (Dinoseb) 2-sec-Butyl-4,6-dinitro- 88-85-7 phenol (Dinoseb)		2.5	0.066		
P021 Calcium cyanide Cyanides (Total)(7) Cyanides (Amenable)(7)	1.2 57-12-5 57-12-5	590 30			
P022 Carbon disulfide Carbon disulfide Carbon disulfide; alternate(6) standard for nonwastewaters only	3.8 75-15-0 75-15-0	CMBST 4.8 mg/l TCLP			
P023 Chloroacetaldehyde Chloroacetaldehyde	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	107-20-0		
P024					
P026 1-(o-Chlorophenyl)thiourea 1-(o-Chlorophenyl)thio- urea	(WETOX or CHOXD) fb CARBN; or CMBST		5344-82-1		
P027 3-Chloropropionitrile 3-Chloropropionitrile	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	542-76-7		
028 enzyl chloride Benzyl chloride	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	100-44-7		
P029 Copper cyanide Cyanides (Total)(7) Cyanides (Amenable)(7)	1.2 57-12-5 57-12-5	590 30			
P030 Cyanides (soluble salts and complexes) Cyanides (Total)(7) Cyanides (Amenable)(7)	1.2 57-12-5 57-12-5	590 30			
P031 Cyanogen Cyanogen			460-19-5		
P033 Cyanogen chloride Cyanogen chloride			506-77-4		
P034 2-Cyclohexyl-4,6-dinitrophenol 2-Cyclohexyl-4,6- dinitrophenol	(WETOX or CHOXD) fb	CMBST	131-89-5		

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

p-Chloroaniline p-Chloroaniline	0.46	16			
P026 1-(o-Chlorophenyl)thiourea 1-(o-Chlorophenyl)thio- urea	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST			
P027 3-Chloropropionitrile 3-Chloropropionitrile	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	542-76-7		
028 enzyl chloride Benzyl chloride	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	100-44-7		
P029 Copper cyanide Cyanides (Total)(7) Cyanides (Amenable)(7)	1.2 57-12-5 57-12-5	590 30			
P030 Cyanides (soluble salts and complexes) Cyanides (Total)(7) Cyanides (Amenable)(7)	1.2 57-12-5 57-12-5	590 30			
P031 Cyanogen Cyanogen			460-19-5		
P033 Cyanogen chloride Cyanogen chloride			506-77-4		
P034 2-Cyclohexyl-4,6-dinitrophenol 2-Cyclohexyl-4,6- dinitrophenol	(WETOX or CHOXD) fb	CMBST	131-89-5		

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

CARBN; or  
CMBSTP036  
Dichlorophenylarsine  
Arsenic

7440-38-2

1.4

5.0 mg/l TCLP

P037  
Dieldrin  
Dieldrin

60-57-1

0.017

0.13

P038  
Diethylarsine  
Arsenic

7440-38-2

1.4

5.0 mg/l TCLP

P039  
Disulfoton  
Disulfoton

298-04-4

0.017

6.2

P040  
O,O-Diethyl-O-pyrazinyl-phosphorothioate  
O,O-Diethyl-O-pyrazinyl- 297-97-2  
phosphorothioateCARBN; or  
CMBST

P041

Diethyl-p-nitrophenyl phosphate  
Diethyl-p-nitrophenyl 311-45-5  
phosphateCARBN; or  
CMBST

CMBST

P042

Epinephrine  
Epinephrine

51-43-4

(WETOX or  
CHOXD) fb  
CARBN; or  
CMBST

CMBST

P043

Diisopropylfluorophosphate (DFP)  
Diisopropylfluoro- 55-91-4  
phosphate (DFP)CARBN; or  
CMBST

CMBST

P044

Dimethoate  
Dimethoate

60-51-5

CARBN; or  
CMBST

CMBST

P045

Thiofanox

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

(WETOX or  
CHOXD) fb  
CARBN; or  
CMBST

39196-18-4

Thiofanox

CMBST

P046

alpha,alpha-Dimethylphenethylamine  
alpha,alpha-Dimethyl- 122-09-8  
phenethylamine(WETOX or  
CHOXD) fb  
CARBN; or  
CMBST

CMBST

P047

4,6-Dinitro-O-cresol  
4,6-Dinitro-O-cresol 543-52-1

0.28

160

P047

4,6-Dinitro-O-cresol salts  
NA(WETOX or  
CHOXD) fb  
CARBN; or  
CMBST

CMBST

P048

2,4-Dinitrophenol  
2,4-Dinitrophenol

0.12

160

P049

Dithiobiuret  
Dithiobiuret

541-53-7

(WETOX or  
CHOXD) fb  
CARBN; or  
CMBST

CMBST

P050

Endosulfan  
Endosulfan I 939-98-8  
Endosulfan II 33213-6-5  
Endosulfan sulfate 1031-07-80.023  
0.029  
0.0290.066  
0.13  
0.13

P051

Endrin  
Endrin  
Endrin aldehyde 72-20-8  
7421-93-40.0028  
0.0250.13  
0.13

P054

Aziridine  
Aziridine

151-56-4

(WETOX or

CMBST

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

P056	Fluorine Fluoride (measured in wastewaters only)	16964-48-8	35	ADGAS fb NEUTR	
P057	Fluoroacetamide Fluoroacetamide	640-19-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
P058	Fluoroacetic acid, sodium salt Fluoroacetic acid, sodium salt	62-74-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
P059	Heptachlor Heptachlor epoxide	76-44-8 1024-57-3	0.0012 0.016	0.066 0.066	
P060	Isodrin Isodrin	465-73-6	0.021	0.066	
P062	Hexaethyl tetraphosphate Hexaethyl tetraphosphate	757-58-4	CARBN; or CMBST	CMBST	
P063	Hydrogen cyanide Cyanides (Total)(7) Cyanides (Amenable)(7)	57-12-5 57-12-5	1.2 0.86	590 30	
P064	Isocyanic acid, ethyl ester Isocyanic acid, ethyl ester	624-83-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
P065	Mercury fulminate)	nonwastewaters, regardless of their total mercury content, that are not incinerator residues or are not residues from RMERC.	7439-97-6	NA	IMERC
P065	Mercury fulminate)	nonwastewaters that are either incinerator residues or are residues from RMERC; and contain greater than or equal to 260 mg/kg total mercury.	7339-97-6	RMERC	
P065	Mercury fulminate)	nonwastewaters that are residues from RMERC and contain less than 260 mg/kg total mercury.	7439-97-6	NA	0.20 mg/l TCLP
P065	Mercury fulminate)	nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury.	7439-97-6	NA	0.025 mg/l TCLP
P065	All P065 (mercury fulminate) wastewaters.			0.15	NA
P066	Methomyl Methomyl	16752-77-5	(WETOX or CHOXD) fb CARBN; or CMBST		CMBST
P067	2-Methyl-aziridine 2-Methyl-aziridine	75-55-8	(WETOX or CHOXD) fb CARBN; or CMBST		CMBST
P068	Methyl hydrazine Methyl hydrazine	60-34-4	CHOXD; CHRED; CARBN; BIODG; or CMBST		CHOXD; CHRED; or CMBST
P069	2-Methylacetonitrile				

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS



POLLUTION CONTROL BOARD  
NOTICE OF PROPOSED AMENDMENTS

2-Methylactonitrile	75-86-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P070 Aldicarb			
116-06-3		(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P071 Methyl parathion	298-00-0	0.014	4.6
P072 1-Naphthyl-2-thiourea	86-88-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P073 Nickel carbonyl	7440-02-0	3.98	5.0 mg/l TCLP
P074 Nickel cyanide	57-12-5	1.2	590
Cyanides (Total)(7)	57-12-5	0.86	30
Nickel	7440-02-0	3.98	5.0 mg/l TCLP
P075 Nicotine and salts	54-11-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P076 Nitric oxide	10102-43-9	ADGAS	ADGAS
P077 p-Nitroaniline	100-01-6	0.028	28

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NOTICE OF PROPOSED AMENDMENTS

P078 Nitrogen dioxide	10102-44-0	ADGAS	ADGAS
P081 Nitroglycerin	55-63-0	CHOXD; CHRED; CARBN; BIODG or CMBST	CHOXD; CHRED; or CMBST
P082 N-Nitrosodimethylamine	62-75-9	0.40	2.3
P084 N-Nitrosomethylvinylamine	4549-40-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P085 Octamethylpyrophosphoramide	152-16-9	CARBN; or CMBST	CMBST
P087 Osmium tetroxide	20816-12-0	RMETL; or RTHRM	RMETL; or RTHRM
P088 Endothall	145-73-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P089 Parathion	56-38-2	0.014	4.6
P092 P092 (phenyl mercuric acetate)			
Mercury	7439-97-6	NA	IMERC; or RMERC

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

P092 Phenyl mercuric acetate) nonwastewaters that are either incinerator residues or are residues from RMERC; and still contain greater than or equal to 260 mg/kg total mercury. Mercury	7439-97-6	NA	RMERC	
P092 Phenyl mercuric acetate) nonwastewaters that are residues from RMERC and contain less than 260 mg/kg total mercury. Mercury	7439-97-6	NA	0.20 mg/l TCCLP	
P092 Phenyl mercuric acetate) nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury. Mercury	7439-97-6	NA	0.025 mg/l TCCLP	
P092 All P092 (phenyl mercuric acetate) wastewaters. Mercury	7439-97-6	0.15	NA	
P093 Phenylthiourea Phenylthiourea	103-85-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
P094 Phorate Phorate	298-02-2	0.021	4.6	
P095 Phosgene Phosgene	75-44-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
P096 Phosphine Phosphine	7803-51-2	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST	
P097 Famphur Famphur	52-85-7	0.017	15	
P098				

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

Potassium cyanide. Cyanides (Total)(7) Cyanides (Amenable)(7)	57-12-5 57-12-5	1.2 0.86	590 30
P099 Potassium silver cyanide Cyanides (Total)(7) Cyanides (Amenable)(7) Silver	57-12-5 57-12-5 7440-22-4	1.2 0.86 0.43	590 30 0.30mg/l TCCLP
P101 Ethyl cyanide (Propanenitrile) Ethyl cyanide (Propanenitrile)	107-12-0	0.24	360
P102 Propargyl alcohol Propargyl alcohol	107-19-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
103 elenourea Selenium	7782-49-2	0.82	0.16 mg/l TCCLP
104 Silver cyanide Cyanides (Total)(7) Cyanides (Amenable)(7) Silver	57-12-5 57-12-5 7440-22-4	1.2 0.86 0.43	590 30 0.30 mg/l TCCLP
P105 Sodium azide Sodium azide	26628-22-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
P106 Sodium cyanide Cyanides (Total)(7) Cyanides (Amenable)(7)	57-12-5 57-12-5	1.2 0.86	590 30
P108 Strychnine and salts Strychnine and salts	57-24-9	(WETOX or CHOXD) fb CARBN; or	CMBST

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

CMBST

P109	Tetraethyldithiopyrophosphate				
	Tetraethyldithiopyro- phosphate	3689-24-5	CARBN; or CMBST	CMBST	
P110	Tetraethyl lead				
	Lead	7439-92-1	0.69	0.37 mg/l TCLP	
P111	Tetraethylpyrophosphate				
	Tetraethylpyrophosphate	107-49-3	CARBN; or CMBST	CMBST	
P112	Tetranitromethane				
	Tetranitromethane	509-14-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST	
P113	Thallic oxide				
	Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL	
P114	Thallium selenite				
	Selenium	7782-49-2	0.82	0.16mg/l TCLP	
P115	Thallium (I) sulfate				
	Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM; or STABL	
P116	Thiosemicarbazide				
	Thiosemicarbazide	79-19-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
P118	Trichloromethanethiol				
	Trichloromethanethiol	75-70-7	(WETOX or CHOXD) fb CARBN; or	CMBST	
P119	Ammonium vanadate				
	Vanadium (measured in wastewaters only)	7440-62-2	4.3	4.3	STABL
P120	Vanadium pentoxide				
	Vanadium (measured in wastewaters only)	7440-62-2	4.3	4.3	STABL
P121	Zinc cyanide				
	Cyanides (Total)(7)	57-12-5	1.2	1.2	590
	Cyanides (Amenable)(7)	57-12-5	0.86	0.86	30
P122	Zinc phosphide Zn(3P(2),				
	Zinc Phosphide	1314-84-7	when present at concentrations greater than 10% CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST	
P123	Toxaphene				
	Toxaphene	8001-35-2	0.0095	0.0095	2.6
P127	Carbofuran(10)				
	Carbofuran	1563-66-2	0.006	0.006	0.14
P128	Mexacarbate(10)				
	Mexacarbate	315-18-4	0.056	0.056	1.4
P185	Tirpate(10)				
	Tirpate	26419-73-8	0.056	0.056	0.28
P188	Physostigmine				
	salicylate (10)	57-64-7	0.056	0.056	1.4
	Physostigmine				
	salicylate				
P189	Carbosulfan(10)				
	Carbosulfan	55285-14-8	0.028	0.028	1.4

## POLLUTION CONTROL BOARD

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CMBST



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P190 Metolcarb(10) Metolcarb	1129-41-5	0.056	1.4
P191 Dimetilan(10) Dimetilan	644-64-4	0.056	1.4
P192 Isolan(10) Isolan	119-38-0	0.056	1.4
P194 Oxamyl(10) Oxamyl	23135-22-0	0.056	0.28
P196 Manganese dimethyldithiocarbamates (total)(10) Dithiocarbamates (total)	NA	0.028	28
P197 Formparanate(10) Formparanate	17702-57-7	0.056	1.4
P198 Formetanate hydrochloride(10) Formetanate hydro- chloride	23422-53-9	0.056	1.4
P199 Methiocarb(10) Methiocarb	2032-65-7	0.056	1.4
P201 Promecarb(10) Promecarb	2631-37-0	0.056	1.4
P202 m-Cumenyl methylcarbamate(10) m-Cumenyl methyl- carbamate	64-00-6	0.056	1.4
P203 Aldicarb sulfone(10) Aldicarb sulfone	1646-88-4	0.056	0.28
P204			
Physostigmine(10) Physostigmine	57-47-6	0.056	1.4
P205 Zirman(10) Dithiocarbamates (total)	NA	0.028	28
U001 Acetaldehyde Acetaldehyde	75-07-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U002 Acetone Acetone	67-64-1	0.28	160
U003 Acetonitrile Acetonitrile Acetonitrile; alternate (6) standard for nonwastewaters only	75-05-8 75-05-8	5.6 NA	CMBST 38
J004 Acetophenone Acetophenone	98-86-2	0.010	9.7
U005 2-Acetylaminoofluorene 2-Acetylaminoofluorene	53-96-3	0.059	140
U006 Acetyl chloride Acetyl chloride	75-36-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U007 Acrylamide Acrylamide	79-06-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

## POLLUTION CONTROL BOARD

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U008 Acrylic acid Acrylic acid	79-10-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U009 Acrylonitrile Acrylonitrile	107-13-1	0.24	84	
U010 Mitomycin C Mitomycin C	50-07-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U011 Amitrole Amitrole	61-82-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U012 Aniline Aniline	62-53-3	0.81	14	
U014 Auramine Auramine	492-80-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U015 Azaserine Azaserine	115-02-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U016 Benz(c)acridine Benz(c)acridine	225-51-4	(WETOX or CHOXD) fb CARBN; or	CMBST	
U017 Benzal chloride Benzal chloride	98-87-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U018 Benz(a)anthracene Benz(a)anthracene	56-55-3	0.059	3.4	
U019 Benzene Benzene	71-43-2	0.14	10	
U020 Benzenesulfonyl chloride Benzenesulfonyl chloride	98-09-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U021 Benzidine Benzidine	92-87-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U022 Benzo(a)pyrene Benzo(a)pyrene	50-32-8	0.061	3.4	
U023 Benzotrachloride Benzotrachloride	98-07-7	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST	
U024 bis(2-Chloroethoxy)methane bis(2-Chloroethoxy)- methane	111-91-1	0.036	7.2	
U025 bis(2-Chloroethyl)ether				

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bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
U026 Chlorophazine Chlorophazine	494-03-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U027 bis(2-Chloroisopropyl)ether bis(2-Chloroisopropyl) ether	39638-32-9	0.055	7.2
U028 bis(2-Ethylhexyl)phthalate bis(2-Ethylhexyl)- phthalate	117-81-7	0.28	28
U029 Methyl bromide (Bromomethane) Methyl bromide (Bromo- methane)	74-83-9	0.11	15
U030 4-Bromophenyl phenyl ether 4-Bromophenyl phenyl ether	101-55-3	0.055	15
U031 n-Butyl alcohol n-Butyl alcohol	71-36-3	5.6	2.6
U032 Calcium chromate Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
U033 Carbon oxyfluoride Carbon oxyfluoride	353-50-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U034 Trichloroacetaldehyde (Chloral) Trichloroacetaldehyde (Chloral)	75-87-6	(WETOX or CHOXD) fb	CMBST

## POLLUTION CONTROL BOARD

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U035 Chlorambucil Chlorambucil	305-03-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U036 Chlordane Chlordane (alpha and gamma isomers)	57-74-9	0.0033	0.26
U037 Chlorobenzene Chlorobenzene	108-90-7	0.057	6.0
U. 38 Chlorobenzilate Chlorobenzilate	510-15-6	0.10	CMBST
U039 p-Chloro-m-cresol p-Chloro-m-cresol	59-50-7	0.018	14
U041 Epichlorohydrin (1- Chloro-2,3-epoxypropane) Epichlorohydrin (1- Chloro-2,3-epoxypropane)	106-89-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U042 2-Chloroethyl vinyl ether 2-Chloroethyl vinyl ether	110-75-8	0.062	CMBST
U043 Vinyl chloride Vinyl chloride	75-01-4	0.27	6.0
U044 Chloroform Chloroform	67-66-3	0.046	6.0



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U045 Chloromethane (Methyl chloride) Chloromethane (Methyl chloride)	74-87-3	0.19	30	
U046 Chloromethyl methyl ether Chloromethyl methyl ether	107-30-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U047 2-Chloronaphthalene 2-Chloronaphthalene	91-58-7	0.055	5.6	
U048 2-Chlorophenol 2-Chlorophenol	95-57-8	0.044	5.7	
U049 4-Chloro-o-toluidine hydrochloride 4-Chloro-o-toluidine hydrochloride	3165-93-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U050 Chrysene Chrysene	218-01-9	0.059	3.4	
U051 Creosote Naphthalene Pentachlorophenol Phenanthrene Pyrene Toluene Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations) Lead	91-20-3 87-86-5 85-01-8 129-00-0 108-88-3 1330-20-7 7439-92-1	0.059 0.089 0.059 0.067 0.080 0.32 0.69	5.6 7.4 5.6 8.2 10 30 0.37 mg/l TCLP	
U052 Cresols (Cresylic acid) o-Cresol	95-48-7	0.11	5.6	
m-Cresol (difficult to distinguish from p- cresol) p-Cresol (difficult to distinguish from m- cresol) Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p- cresol concentrations)	108-39-4 106-44-5 1319-77-3	0.77 0.77 0.88	5.6 5.6 11.2	
U053 Crotonaldehyde Crotonaldehyde	4170-30-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U055 Cumene Cumene	98-82-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U056 Cyclohexane Cyclohexane	110-82-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U057 Cyclohexanone Cyclohexanone Cyclohexanone; alternate(6) standard for nonwastewaters only	108-94-1 108-94-1	0.36 NA	0.75 mg/l TCLP	
U058 Cyclophosphamide Cyclophosphamide	50-18-0	CARBN; or CMBST	CMBST	
U059 Daunomycin Daunomycin	20830-81-3	(WETOX or CHOXD) fb	CMBST	

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CARBN; or  
CMBST

U060	DDD	53-19-0	0.023	0.087
	o,p'-DDD	72-54-8	0.023	0.087
	p,p'-DDD			
U061	DDT	789-02-6	0.0339	0.087
	o,p'-DDT	50-29-3	0.0039	0.087
	p,p'-DDT	53-19-0	0.023	0.087
	o,p'-DDD	72-54-8	0.023	0.087
	p,p'-DDD	3424-82-6	0.031	0.087
	o,p'-DDE	72-55-9	0.031	0.087
	p,p'-DDE			
U062	Diallyl	2303-16-4	(WETOX or CHOXD) fb	CMBST
	Diallyl		CARBN; or CMBST	

U063	Dibenz(a,h)anthracene	53-70-3	0.055	8.2
	Dibenz(a,h)anthracene			
U064	Dibenz(a,i)pyrene	189-55-9	(WETOX or CHOXD) fb	CMBST
	Dibenz(a,i)pyrene		CARBN; or CMBST	

U066	1,2-Dibromo-3-chloro-propane	96-12-8	0.11	15
	1,2-Dibromo-3-chloropropane			
U067	Ethylene dibromide (1,2-Dibromoethane)		0.028	15
	Ethylene dibromide (1,2- 106-93-4 Dibromoethane)			
U068	Dibromoethane			

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	Dibromomethane	74-95-3	0.11	15
U069	Di-n-butyl phthalate	84-74-2	0.057	28
	Di-n-butyl phthalate			
U070	o-Dichlorobenzene	95-50-1	0.088	6.0
	o-Dichlorobenzene			
U071	m-Dichlorobenzene	541-73-1	0.036	6.0
	m-Dichlorobenzene			
U072	p-Dichlorobenzene	106-46-7	0.090	6.0
	p-Dichlorobenzene			
U073	3,3'-Dichlorobenzidine	91-94-1	(WETOX or CHOXD) fb	CMBST
	3,3'-Dichlorobenzidine		CARBN; or CMBST	
U074	1,4-Dichloro-2-butene	1476-11-5	(WETOX or CHOXD) fb	CMBST
	Cis-1,4-Dichloro-2-butene		CARBN; or CMBST	
	trans-1,4-Dichloro-2-butene	764-41-0	(WETOX or CHOXD) fb	CMBST
			CARBN; or CMBST	
U075	Dichlorodifluoromethane	75-71-8	0.23	7.2
	Dichlorodifluoromethane			
U076	1,1-Dichloroethane	75-34-3	0.059	6.0
	1,1-Dichloroethane			
U077	1,2-Dichloroethane	107-06-2	0.21	6.0
	1,2-Dichloroethane			

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U078 1,1-Dichloroethylene 1,1-Dichloroethylene	75-35-4	0.025	6.0	
U079 1,2-Dichloroethylene trans-1,2-Dichloro- ethylene	156-60-5	0.054	30	
U080 Methylene chloride Methylene chloride	75-09-2	0.089	30	
U081 2,4-Dichlorophenol 2,4-Dichlorophenol	120-83-2	0.044	14	
U082 2,6-Dichlorophenol 2,6-Dichlorophenol	87-65-0	0.044	14	
U083 1,2-Dichloropropane 1,2-Dichloropropane	78-87-5	0.85	18	
U084 1,3-Dichloropropylene cis-1,3-Dichloro- propylene trans-1,3-Dichloro- propylene	10061-01-5 10061-02-6	0.036 0.036	18 18	
U085 1,2:3,4-Diepoxybutane 1,2:3,4-Diepoxybutane	1464-53-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U086 N,N'-Diethylhydrazine N,N'-Diethylhydrazine	1615-80-1	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST	
U087 O,O-Diethyl-S-methyldithiophosphate O,O-Diethyl-S-methyl-	3288-58-2	CARBN; or	CMBST	

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dithiophosphate				
U088 Diethyl phthalate Diethyl phthalate	84-66-2	0.20	28	CMBST
U089 Diethyl stilbestrol Diethyl stilbestrol	56-53-1	(WETOX or CHOXD) fb CARBN; or CMBST		CMBST
U090 Dihydrosafrole Dihydrosafrole	94-58-6	(WETOX or CHOXD) fb CARBN; or CMBST		CMBST
U091 3,3'-Dimethoxybenzidine 3,3'-Dimethoxybenzidine	119-90-4	(WETOX or CHOXD) fb CARBN; or CMBST		CMBST
U092 Dimethylamine Dimethylamine	124-40-3	(WETOX or CHOXD) fb CARBN; or CMBST		CMBST
U093 p-Dimethylaminoazobenzene p-Dimethyl- aminoazobenzene	60-11-7	0.13		CMBST
U094 7,12-Dimethylbenz(a) anthracene 7,12-Dimethylbenz(a)- anthracene	57-97-6	(WETOX or CHOXD) fb CARBN; or CMBST		CMBST
U095 3,3'-Dimethylbenzidine 3,3'-Dimethylbenzidine	119-93-7	(WETOX or CHOXD) fb		CMBST



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U096 alpha, alpha-Dimethyl benzyl hydroperoxide alpha, alpha-Dimethyl benzyl hydroperoxide	CHOXD; CHRED; CARBN; BIODG; or CMBST	79-44-7	(WETOX or CHOXD) fb CARBN; or CMBST	CHOXD; CHRED; or CMBST	
U097 Dimethylcarbamoyl chloride		79-44-7		CMBST	
U098 1,1-Dimethylhydrazine 1,1-Dimethylhydrazine	CHOXD; CHRED; CARBN; BIODG; or CMBST	57-14-7		CHOXD; CHRED; or CMBST	
U099 1,2-Dimethylhydrazine 1,2-Dimethylhydrazine	CHOXD; CHRED; CARBN; BIODG; or CMBST	540-73-8		CHOXD; CHRED; or CMBST	
U101 2,4-Dimethylphenol 2,4-Dimethylphenol	0.036	105-67-9		14	
U102 Dimethyl phthalate Dimethyl phthalate	0.047	131-11-3		28	
U103 Dimethyl sulfate Dimethyl sulfate	CHOXD; CHRED; CARBN; BIODG; or CMBST	77-78-1		CHOXD; CHRED; or CMBST	
U105 2,4-Dinitrotoluene 2,4-Dinitrotoluene	0.032	121-14-2		140	
U106 2,6-Dinitrotoluene 2,6-Dinitrotoluene	0.55	606-20-2		28	

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U107 Di-n-octyl phthalate Di-n-octyl phthalate	0.017	117-84-0		28	
U108 1,4-Dioxane 1,4-Dioxane	(WETOX or CHOXD) fb CARBN; or CMBST	123-91-1		CMBST	
1,4-Dioxane; alternate (6) standard for nonwastewaters only	NA	123-91-1		170	
U109 1,2-Diphenylhydrazine 2-Diphenylhydrazine	CHOXD; CHRED; CARBN; BIODG; or CMBST	122-66-7		CHOXD; CHRED; or CMBST	
2,2-Diphenylhydrazine; alternate(6) standard for wastewaters only	0.087	122-66-7		NA	
U110 Dipropylamine Dipropylamine	(WETOX or CHOXD) fb CARBN; or CMBST	142-84-7		CMBST	
U111 Di-n-propylnitrosamine Di-n-propylnitrosamine	0.40	621-64-7		14	
U112 Ethyl acetate Ethyl acetate	0.34	141-78-6		33	
U113 Ethyl acrylate ethyl acrylate	(WETOX or CHOXD) fb CARBN; or CMBST	140-88-8		CMBST	
U114 Ethylenebisdiethiocarbamic acid salts and esters					

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Ethylenebis(dithio- carbamic acid)	111-54-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	Formaldehyde	50-00-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U115 Ethylene oxide				U123 Formic acid			
Ethylene oxide	75-21-8	(WETOX or CHOXD) fb CARBN; or CMBST	CHOXD; or CMBST	Formic acid	64-18-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
Ethylene oxide; alternate(6) standard for wastewaters only	75-21-8	0.12	NA	U124 Furan			
U116 Ethylene thiourea				Furan	110-00-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
Ethylene thiourea	96-45-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	U125 Furfural			
U117 Ethyl ether				Furfural	98-01-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
Ethyl ether	60-29-7	0.12	160	U126 Glycidylaldehyde			
U118 Ethyl methacrylate				Glycidylaldehyde	765-34-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
Ethyl methacrylate	97-63-2	0.14	160	U127 Hexachlorobenzene			
U119 Ethyl methane sulfonate				Hexachlorobenzene	118-74-1	0.055	10
Ethyl methane sulfonate	62-50-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	U128 Hexachlorobutadiene			
U120 Fluoranthene				Hexachlorobutadiene	87-68-3	0.055	5.6
Fluoranthene	206-44-0	0.068	3.4	U129 Lindane			
U121 Trichloromonofluoromethane				alpha-BHC	319-84-6	0.00014	0.066
Trichloromonofluoro- methane	75-69-4	0.020	30	beta-BHC	319-85-7	0.00014	0.066
U122 Formaldehyde				delta-BHC	319-86-8	0.023	0.066
				gamma-BHC (Lindane)	58-89-9	0.0017	0.066

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U130 Hexachlorocyclopentadiene Hexachlorocyclopenta- diene	77-47-4 0.057 2.4	U141 Isosafrole Isosafrole	120-58-1 0.081 2.6
U131 Hexachloroethane Hexachloroethane	67-72-1 0.055 30	U142 Kepone Kepone	143-50-8 0.0011 0.13
U132 Hexachlorophene Hexachlorophene	70-30-4 (WETOX or CHOXD) fb CARBN; or CMBST	U143 Lasiocarpine Lasiocarpine	303-34-4 (WETOX or CHOXD) fb CARBN; or CMBST
U133 Hydrazine Hydrazine	302-01-2 CHOXD; CHRED; CARBN; BIODG; or CMBST	U144 Lead acetate Lead	7439-92-1 0.69 0.37 mg/l TCLP
U134 Hydrogen fluoride Fluoride (measured in wastewaters only)	16964-48-8 35 ADGAS fb NEUTR; or NEUTR	U145 Lead phosphate Lead	7439-92-1 0.69 0.37 mg/l TCLP
U135 Hydrogen sulfide Hydrogen sulfide	7783-06-4 CHOXD; CHRED; or CMBST	U146 Lead subacetate Lead	7439-92-1 0.69 0.37 mg/l TCLP
U136 Cacodylic acid Arsenic	7440-38-2 1.4 5.0 mg/l TCLP	U147 Maleic anhydride Maleic anhydride	108-31-6 (WETOX or CHOXD) fb CARBN; or CMBST
U137 Indeno(1,2,3-c,d)pyrene Indeno(1,2,3-c,d)pyrene	193-39-5 0.0055 3.4	U148 Maleic hydrazide Maleic hydrazide	123-33-1 (WETOX or CHOXD) fb CARBN; or CMBST
U138 Iodomethane Iodomethane	74-88-4 0.19 65	U149 Malononitrile Malononitrile	109-77-3 (WETOX or CHOXD) fb CARBN; or CMBST
U140 Isobutyl alcohol Isobutyl alcohol	78-83-1 5.6 170		



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U150 Melphalan Melphalan	148-82-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U151 U151 (mercury) nonwastewaters that contain greater than or equal to 260 mg/kg total mercury. Mercury	7439-97-6	NA	RMERC	
U151 U151 (mercury) nonwastewaters that contain less than 260 mg/kg total mercury and that are residues from RMERC only.	7439-97-6	NA	0.20 mg/l TCLP	
U151 U151 (mercury) nonwastewaters that contain less than 260 mg/kg total mercury and that are not residues from RMERC only. Mercury	7439-97-6	NA	0.025 mg/l TCLP	
U151 All U151 (mercury) wastewater. Mercury	7439-97-6	0.15	NA	
U151 Element Mercury Contaminated with Radioactive Materials Mercury	7439-97-6	NA	AMLCM	
U152 Methacrylonitrile Methacrylonitrile	126-98-7	0.24	84	
U153 Methanethiol Methanethiol	74-93-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U154 Methanol Methanol	67-56-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	

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Methanol; alternate(6) set of standards for both wastewaters and nonwastewaters	67-56-1	CMBST 5.6	0.75 mg/l TCLP
U155 Methapyrilene Methapyrilene	91-80-5	0.081	1.5
U156 Methyl chlorocarbonate Methyl chlorocarbonate	79-22-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U157 3-Methylcholanthrene 3-Methylcholanthrene	56-49-5	0.0055	15
U158 4,4'-Methylene bis(2-chloroaniline) 4,4'-Methylene bis(2- chloroaniline)	101-14-4	0.50	30
U159 Methyl ethyl ketone Methyl ethyl ketone	78-93-3	0.28	36
U160 Methyl ethyl ketone peroxide Methyl ethyl ketone peroxide	1338-23-4	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U161 Methyl isobutyl ketone Methyl isobutyl ketone	108-10-1	0.14	33
U162 Methyl methacrylate Methyl methacrylate	80-62-6	0.14	160
U163 N-Methyl-N'-nitro-N-nitrosoguanidine N-Methyl-N'-nitro-N- nitrosoguanidine	70-25-7	(WETOX or CHOXD) fb	CMBST

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U164		N-Nitrosodi-n-butylamine	17
Methylthiouracil		N-Nitrosodi-n-butylamine	
Methylthiouracil		924-16-3	0.40
U165		U173	
Naphthalene		N-Nitrosodiethanolamine	
Naphthalene		N-Nitrosodiethanol-amine	
		1116-54-7	(WETOX or CHOXD) fb
			CARBN; or
			CMBST
U166		U174	
1,4-Naphthoquinone		N-Nitrosodiethylamine	
1,4-Naphthoquinone		N-Nitrosodiethylamine	
		55-18-5	0.40
U167		U176	
1-Naphthylamine		N-Nitroso-N-ethylurea	
1-Naphthylamine		N-Nitroso-N-ethylurea	
		759-73-9	(WETOX or CHOXD) fb
			CARBN; or
			CMBST
U168		U177	
2-Naphthylamine		N-Nitroso-N-methylurea	
2-Naphthylamine		N-Nitroso-N-methylurea	
		684-93-5	(WETOX or CHOXD) fb
			CARBN; or
			CMBST
U169		U178	
Nitrobenzene		N-Nitroso-N-methylurethane	
Nitrobenzene		N-Nitroso-N-methyl-urethane	
		615-53-2	(WETOX or CHOXD) fb
			CARBN; or
			CMBST
U170		U179	
p-Nitrophenol		N-Nitrosopiperidine	
p-Nitrophenol		N-Nitrosopiperidine	
		100-75-4	0.013
U171		U180	
2-Nitropropane		N-Nitrosopyrrolidine	
2-Nitropropane		N-Nitrosopyrrolidine	
		930-55-2	0.013
U172		U181	
		5-Nitro-o-toluidine	
		5-Nitro-o-toluidine	
		99-55-8	0.32

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U182 Paraldehyde Paraldehyde	123-63-7	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST
U183 Pentachlorobenzene Pentachlorobenzene	608-93-5	0.055	10
U184 Pentachloroethane Pentachloroethane	76-01-7	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST
Pentachloroethane; alternate(6) standards for both wastewaters and nonwastewaters	76-01-7	0.055	6.0
U185 Pentachloronitrobenzene Pentachloronitrobenzene	82-68-8	0.055	4.8
U186 1,3-Pentadiene 1,3-Pentadiene	504-60-9	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST
U187 Phenacetin Phenacetin	62-44-2	0.081	16
U188 Phenol Phenol	108-95-2	0.039	6.2
U189 Phosphorus sulfide Phosphorus sulfide	1314-80-3	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
U190 Phthalic anhydride			

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Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28
U191 2-Picoline 2-Picoline	109-06-8	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST
U192 Pronamide Pronamide	23950-58-5	0.093	1.5
U193 1,3-Propane sultone 1,3-Propane sultone	1120-71-4	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST
U194 n-Propylamine n-Propylamine	107-10-8	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST
U196 Pyridine Pyridine	110-86-1	0.014	16
U197 p-Benzoquinone p-Benzoquinone	106-51-4	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST
U200 Reserpine Reserpine	50-55-5	(WETOX or	CMBST



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U201 Resorcinol Resorcinol	108-46-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U202 Saccharin and salts Saccharin	81-07-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U203 Safrole Safrole	94-59-7	0.081	22	
U204 Selenium dioxide Selenium	7782-49-2	0.82	0.16 mg/l TCLP	
U205 Selenium sulfide Selenium	7782-49-2	0.82	0.16 mg/l TCLP	
U206 Streptozotocin Streptozotocin	18883-66-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U207 1,2,4,5-Tetrachlorobenzene 1,2,4,5-Tetrachloro- benzene	95-94-3	0.055	14	
U208 1,1,1,2-Tetrachloroethane 1,1,1,2-Tetrachloro- ethane	630-20-6	0.057	6.0	
U209 Thiourea				

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1,1,2,2-Tetrachloroethane 1,1,2,2-Tetrachloro- ethane	79-34-5	0.057	6.0	
U210 Tetrachloroethylene Tetrachloroethylene	127-18-4	0.056	6.0	
U211 Carbon tetrachloride Carbon tetrachloride	56-23-5	0.057	6.0	
U213 Tetrahydrofuran Tetrahydrofuran	109-99-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U214 Thallium (I) acetate Thallium (measured in wastewaters only)	7440-28-0	1.4		RTHRM; or STABL
U215 Thallium (I) carbonate Thallium (measured in wastewaters only)	7440-28-0	1.4		RTHRM; or STABL
U216 Thallium (I) chloride Thallium (measured in wastewaters only)	7440-28-0	1.4		RTHRM; or STABL
U217 Thallium (I) nitrate Thallium (measured in wastewaters only)	7440-28-0	1.4		RTHRM; or STABL
U218 Thioacetamide Thioacetamide	62-55-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	

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Thiourea	62-56-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U220 Toluene	108-88-3	0.080	10
U221 Toluenediamine	25376-45-8	CARBN; or CMBST	CMBST
U222 o-Toluidine hydrochloride	636-21-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U223 Toluene diisocyanate	26471-62-5	CARBN; or CMBST	CMBST
U225 Bromoform (Tribromomethane)	75-25-2	0.63	15
U226 1,1,1-Trichloroethane	71-55-6	0.054	6.0
U227 1,1,2-Trichloroethane	79-00-5	0.054	6.0
U228 Trichloroethylene	79-01-6	0.054	6.0
U234 1,3,5-Trinitrobenzene	99-35-4	(WETOX or CHOXD) fb CARBN; or	CMBST

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U235 tris-(2,3-Dibromopropyl)-phosphate	126-72-7	0.11	0.10
U236 Trypan Blue	72-57-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U237 Uracil mustard	66-75-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U238 Urethane (Ethyl carbamate)	51-79-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U239 Xylenes	1330-20-7	0.32	30
U240 2,4-D (2,4-Dichlorophenoxyacetic acid)	94-75-7	0.72	10
U243 Hexachloropropylene	1888-71-7	0.035	30

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Thiram Thiram	137-26-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U246 Cyanogen bromide Cyanogen bromide	506-68-3	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST
U247 Methoxychlor Methoxychlor	72-43-5	0.25	0.18
U248 Warfarin, & salts, when present at concentrations of 0.3% or less Warfarin	81-81-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U249 Zinc phosphide, Zn[3]P[2], when present at concentrations of 10% or less Zinc Phosphide	1314-84-7	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST
U271 Benomyl(10) Benomyl	17804-35-2	0.056	1.4
U278 Bendiocarb(10) Bendiocarb	22781-23-3	0.056	1.4
U279 Carbaryl(10) Carbaryl	63-25-2	0.006	0.14
U280 Barban(10) Barban	101-27-9	0.056	1.4
U328 o-Toluidine o-Toluidine	95-53-4	CMBST; or CHOXD fb (BIODG or	CMBST

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U353 p-Toluidine p-Toluidine	106-49-0	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	CMBST
U359 2-Ethoxyethanol 2-Ethoxyethanol	110-80-5	CMBST; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	CMBST
J364 Bendiocarb phenol(10) Bendiocarb phenol	22961-82-6	0.056	1.4
U367 Carbofuran phenol(10) Carbofuran phenol	1563-38-8	0.056	1.4
J372 Carbendazim(10) Carbendazim	10605-21-7	0.056	1.4
U373 Propham(10) Propham	122-42-9	0.056	1.4
U387 Prosulfocarb(10) Prosulfocarb	52888-80-9	0.042	1.4
U389 Triallate(10) Triallate	2303-17-5	0.042	1.4
U394 A2213(10) A2213	30558-43-1	0.042	1.4
U395			



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Diethylene glycol, dicarbamate(10)			
Diethylene glycol, dicarbamate	5952-26-1	0.056	1.4
U404			
Triethylamine(10)			
Triethylamine	101-44-8	0.081	1.5
U409			
Thiophanate-methyl(10)			
Thiophanate-methyl	23564-05-8	0.056	1.4
U410			
Thiodicarb(10)			
Thiodicarb	59669-26-0	0.019	1.4
U411			
Propoxur(10)			
Propoxur	114-26-1	0.056	1.4

## Notes:

- 1 The waste descriptions provided in this table do not replace waste descriptions in 35 Ill. Adm. Code 721. Descriptions of Treatment or Regulatory Subcategories are provided, as needed, to distinguish between applicability of different standards.
- 2 CAS means Chemical Abstract Services. When the waste code or regulated constituents are described as a combination of a chemical with its salts or esters, the CAS number is given for the parent compound only.
- 3 Concentration standards for wastewaters are expressed in mg/l and are based on analysis of composite samples.
- 4 All treatment standards expressed as a Technology Code or combination of Technology Codes are explained in detail in 35 Ill. Adm. Code 728. Table C, "Technology Codes and Description of Technology-Based Standards". "Eb" inserted between waste codes denotes "followed by", so that the first-listed treatment is followed by the second-listed treatment. "; " separates alternative treatment schemes.
- 5 Except for Metals (EP or TCLP) and Cyanides (Total and Amenable) the nonwastewater treatment standards expressed as a concentration were established, in part, based upon incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724. Subpart O or 35 Ill. Adm. Code 725. Subpart O or based upon combustion in fuel substitution units operating in accordance with

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applicable technical requirements. A facility may comply with these treatment standards according to provisions in 35 Ill. Adm. Code 728.140(d). All concentration standards for nonwastewaters are based on analysis of grab samples.

- 6 Where an alternate treatment standard or set of alternate standards has been indicated, a facility may comply with this alternate standard, but only for the Treatment or Regulatory Subcategory or physical form (i.e., wastewater or nonwastewater) specified for that alternate standard.
- 7 Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010 or 9012, found in "Test Methods for Evaluating Solid Waste, Physical or Chemical Methods", USEPA Publication SW-846, as incorporated by reference in 35 Ill. Adm. Code 720.111, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.
- 8 These wastes, when rendered nonhazardous and then subsequently managed in CWA or CWA-equivalent systems, are not subject to treatment standards. (See Section 728.101(c)(3) and (c)(4).)
- 9 These wastes, when rendered nonhazardous and then subsequently injected in a Class I SDWA well, are not subject to treatment standards. (See 35 Ill. Adm. Code 738.101(d).)
- 10 This footnote corresponds with note 10 to the table to 40 CFR 268.40, which has already expired by its own terms. This statement maintains structural consistency with the federal regulations.
- 11 For these wastes, the definition of CMBST is limited to any of the following that have obtained a determination of equivalent treatment under Section 728.142(b): (1) combustion units operating under 35 Ill. Adm. Code 726, (2) combustion units permitted under 35 Ill. Adm. Code 724. Subpart O, or (3) combustion units operating under 35 Ill. Adm. Code 725. Subpart O.

BOARD NOTE: Derived from table to 40 CFR 268.40 (1997).

NA means not applicable.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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## Section 728. TABLE U Universal Treatment Standards (UTS)

Regulated Constituent- Common Name	CAS(1) No.	Wastewater Standard Concentration (in mg/l(2))	Nonwastewater Standard Concentration (in mg/kg(3) unless noted as "mg/l TCLP")
A2213(6)	30558-43-1	0.042	1.4
Acenaphthylene	208-96-8	0.059	3.4
Acenaphthene	83-32-9	0.059	3.4
Acetone	67-64-1	0.28	160
Acetonitrile	75-05-8	5.6	38
Acetophenone	96-86-2	0.010	9.7
2-Acetylaminofluorene	53-96-3	0.059	140
Acrolein	107-02-8	0.29	NA
Acrylamide	79-06-1	19	23
Acrylonitrile	107-13-1	0.24	84
Aldicarb sulfone(6)	1646-88-4	0.056	0.28
Aldrin	309-00-2	0.021	0.066
4-Aminobiphenyl	92-67-1	0.13	NA
Aniline	62-53-3	0.81	14
Anthracene	120-12-7	0.059	3.4
Aramite	140-57-8	0.36	NA
alpha-BHC	319-84-6	0.00014	0.066
beta-BHC	319-85-7	0.00014	0.066
delta-BHC	319-86-8	0.023	0.066
gamma-BHC	58-89-9	0.0017	0.066

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Barban(6)	101-27-9	0.056	1.4
Bendiocarb(6)	22781-23-3	0.056	1.4
Bendiocarb phenol(6)	22961-82-6	0.056	1.4
Benomyl(6)	17804-35-2	0.056	1.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzal chloride	98-87-3	0.055	6.0
Benzene	71-43-2	0.14	10
Benzo(b)fluoranthene (difficult to distinguish from benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from benzo(b)fluoranthene)	207-08-9	0.11	6.8
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Bromodichloromethane	75-27-4	0.35	15
Methyl bromide (Bromo- methane)	74-83-9	0.11	15
4-Bromophenyl phenyl ether	101-55-3	0.055	15
n-Butyl alcohol	71-36-3	5.6	2.6
Butylate(6)	2008-41-5	0.042	1.4
Butyl benzyl phthalate	85-68-7	0.017	28
2-sec-Butyl-4,6-dinitro- phenol (Dinoseb)	88-85-7	0.066	2.5
Carbaryl(6)	63-25-2	0.006	0.14

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Carbenzadim(6)	10605-21-7	0.056	1.4	2-Chlorophenol	95-57-8	0.044	5.7
Carbofuran(6)	1563-66-2	0.006	0.14	3-Chloropropylene	107-05-1	0.036	30
Carbofuran phenol(6)	1563-38-8	0.056	1.4	Chrysene	218-01-9	0.059	3.4
Carbon disulfide	75-15-0	3.8	4.8 mg/l TCLP	o-Cresol	95-48-7	0.11	5.6
Carbon tetrachloride	56-23-5	0.057	6.0	m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
Carbosulfan(6)	55285-14-8	0.028	1.4	p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
Chlordane (alpha and gamma isomers)	57-74-9	0.0033	0.26	m-Cumenyl methylcarbamate(6)	64-00-6	0.056	1.4
p-Chloroaniline	106-47-8	0.46	16	Cyclohexanone	108-94-1	0.36	0.75mg/l TCLP
Chlorobenzene	108-90-7	0.057	6.0	o,p'-DDD	53-19-0	0.023	0.087
Chlorobenzilate	510-15-6	0.10	NA	p,p'-DDD	72-54-8	0.023	0.087
2-Chloro-1,3-butadiene	126-99-8	0.057	0.28	o,p'-DDE	3424-82-6	0.031	0.087
Chlorodibromomethane	124-48-1	0.057	15	p,p'-DDE	72-55-9	0.031	0.087
Chloroethane	75-00-3	0.27	6.0	o,p'-DDT	789-02-6	0.0039	0.087
bis(2-Chloroethoxy)methane	111-91-1	0.036	7.2	p,p'-DDT	50-29-3	0.0039	0.087
bis(2-Chloroethyl) ether	111-44-4	0.033	6.0	Dibenz(a,h)anthracene	53-70-3	0.055	8.2
2-Chloroethyl vinyl ether	110-75-8	0.062	NA	Dibenz(a,e)pyrene	192-65-4	0.061	NA
Chloroform	67-66-3	0.046	6.0	1,2-Dibromo-3-chloropropane	96-12-8	0.11	15
bis(2-Chloroisopropyl)ether	39638-32-9	0.055	7.2	1,2-Dibromoethane/Ethylene dibromide	106-93-4	0.028	15
p-Chloro-m-cresol	59-50-7	0.018	14	Dibromomethane	74-95-3	0.11	15
Chloromethane (Methyl chloride)	74-87-3	0.19	30	m-Dichlorobenzene	541-73-1	0.036	6.0
2-Chloronaphthalene	91-58-7	0.055	5.6	o-Dichlorobenzene	95-50-91	0.088	6.0

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2-Chlorophenol	95-57-8	0.044	5.7
3-Chloropropylene	107-05-1	0.036	30
Chrysene	218-01-9	0.059	3.4
o-Cresol	95-48-7	0.11	5.6
m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
m-Cumenyl methylcarbamate(6)	64-00-6	0.056	1.4
Cyclohexanone	108-94-1	0.36	0.75mg/l TCLP
o,p'-DDD	53-19-0	0.023	0.087
p,p'-DDD	72-54-8	0.023	0.087
o,p'-DDE	3424-82-6	0.031	0.087
p,p'-DDE	72-55-9	0.031	0.087
o,p'-DDT	789-02-6	0.0039	0.087
p,p'-DDT	50-29-3	0.0039	0.087
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Dibenz(a,e)pyrene	192-65-4	0.061	NA
1,2-Dibromo-3-chloropropane	96-12-8	0.11	15
1,2-Dibromoethane/Ethylene dibromide	106-93-4	0.028	15
Dibromomethane	74-95-3	0.11	15
m-Dichlorobenzene	541-73-1	0.036	6.0
o-Dichlorobenzene	95-50-91	0.088	6.0



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p-Dichlorobenzene	106-46-7	0.090	6.0
Dichlorodifluoromethane	75-71-8	0.23	7.2
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
trans-1,2-Dichloro-ethylene	156-60-5	0.054	30
2,4-Dichlorophenol	120-83-2	0.044	14
2,6-Dichlorophenol	87-65-0	0.044	14
2,4-Dichloro-phenoxyacetic acid/2,4-D	94-75-7	0.72	10
1,2-Dichloropropane	78-87-5	0.85	18
cis-1,3-Dichloro-propylene	10061-01-5	0.036	18
trans-1,3-Dichloro-propylene	10061-02-6	0.036	18
Dieldrin	60-57-1	0.017	0.13
Diethylene glycol, dicarbamate(6)	5952-26-1	0.056	1.4
Diethyl phthalate	84-66-2	0.20	28
p-Dimethylaminoazo-benzene	60-11-7	0.13	NA
2,4-Dimethyl phenol	105-67-9	0.036	14
Dimethyl phthalate	131-11-3	0.047	28
Dimetilan(6)	644-64-4	0.056	1.4
Di-n-butyl phthalate	84-74-2	0.057	28
1,4-Dinitrobenzene	100-25-4	0.32	2.3

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4,6-Dinitro-O-cresol	534-52-1	0.28	160
2,4-Dinitrophenol	51-28-5	0.12	160
2,4-Dinitrotoluene	121-14-2	0.32	140
2,6-Dinitrotoluene	606-20-2	0.55	28
Di-n-octyl phthalate	117-84-0	0.017	28
Di-n-propylnitrosamine	621-64-7	0.40	14
1,4-Dioxane	123-91-1	12.0	170
Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	13
Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	13
1,2-Diphenylhydrazine	122-66-7	0.087	NA
Disulfoton	298-04-4	0.017	6.2
Dithiocarbamates (total)(6)	137-30-4	0.028	28
Endosulfan I	959-98-8	0.023	0.066
Endosulfan II	33213-65-9	0.029	0.13
Endosulfan sulfate	1031-07-8	0.029	0.13
Endrin	72-20-8	0.0028	0.13
Endrin aldehyde	7421-93-4	0.025	0.13
EPTC(6)	759-94-4	0.042	1.4
Ethyl acetate	141-78-6	0.34	33
Ethyl benzene	100-41-4	0.057	10
Ethyl cyanide (Propanenitrile)	107-12-0	0.24	360

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Ethyl ether	60-29-7	0.12	160
Ethyl methacrylate	97-63-2	0.14	160
Ethylene oxide	75-21-8	0.12	NA
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Famphur	52-85-7	0.017	15
Fluoranthene	206-44-0	0.068	3.4
Fluorene	86-73-7	0.059	3.4
Formetanate hydro- chloride(6)	23422-53-9	0.056	1.4
Formparanate(6)	17702-57-7	0.056	1.4
Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloro- cyclopentadiene	77-47-4	0.057	2.4
HxCDDs (All Hexachloro- dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro- dibenzofurans)	NA	0.000063	0.001
Hexachloroethane	67-72-1	0.055	30
Hexachloropropylene	1888-71-7	0.035	30
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
Iodomethane	74-88-4	0.19	65
Isobutyl alcohol	78-83-1	5.6	170

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Isodrin	465-73-6	0.021	0.066
Isolan(6)	119-38-0	0.056	1.4
Isosafrole	120-58-1	0.081	2.6
Kepone	143-50-0	0.0011	0.13
Methacrylonitrile	126-98-7	0.24	84
Methanol	67-56-1	5.6	0.75 mg/l TCLP
Methapyrilene	91-80-5	0.081	1.5
Methiocarb(6)	2032-65-7	0.056	1.4
Methomyl(6)	16752-77-5	0.028	0.14
Methoxychlor	72-43-5	0.25	0.18
3-Methyicholanthrene	56-49-5	0.0055	15
4,4-Methylene bis(2- chloroaniline)	101-14-4	0.50	30
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Methyl methacrylate	80-62-6	0.14	160
Methyl methansulfonate	66-27-3	0.018	NA
Methyl parathion	298-00-0	0.014	4.6
Metolcarb(6)	1129-41-5	0.056	1.4
Mexacarbate(6)	315-18-4	0.056	1.4
Molinate(6)	2212-67-1	0.042	1.4
Naphthalene	91-20-3	0.059	5.6
2-Naphthylamine	91-59-8	0.52	NA
O-Nitroaniline	88-74-4	0.27	14

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p-Nitroaniline	100-01-6	0.028	28
Nitrobenzene	98-95-3	0.068	14
5-Nitro-o-toluidine	99-55-8	0.32	28
o-Nitrophenol	88-75-5	0.028	13
p-Nitrophenol	100-02-7	0.12	29
N-Nitrosodiethylamine	55-18-5	0.40	28
N-Nitrosodimethylamine	62-75-9	0.40	2.3
N-Nitroso-di-n-butyl-amine	924-16-3	0.40	14
N-Nitrosomethylethyl-amine	10595-95-6	0.40	2.3
N-Nitrosomorpholine	59-89-2	0.40	2.3
N-Nitrosopiperidine	100-75-4	0.013	35
N-Nitrosopyrrolidine	930-55-2	0.013	35
Oxamyl(6)	23135-22-0	0.056	0.28
Parathion	56-38-2	0.014	4.6
Total PCBs (sum of all PCB isomers, or all Aroclors)	1336-36-3	0.10	10
Pebulate(6)	1114-71-2	0.042	1.4
Pentachlorobenzene	608-93-5	0.055	10
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
PeCDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001
Pentachloroethane	76-01-7	0.055	6.0
Pentachloronitrobenzene	82-68-8	0.055	4.8
Pentachlorophenol	87-86-5	0.089	7.4
Phenacetin	62-44-2	0.081	16
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
o-Phenylenediamine(6)	95-54-5	0.056	5.6
Phorate	298-02-2	0.021	4.6
Phthalic acid	100-21-0	0.055	28
Phthalic anhydride	85-44-9	0.055	28
Physostigmine(6)	57-47-6	0.056	1.4
Physostigmine salicylate(6)	57-64-7	0.056	1.4
1-bromecarb(6)	2631-37-0	0.056	1.4
Ironamide	23950-58-5	0.093	1.5
1-crotham(6)	122-42-9	0.056	1.4
Propoxur(6)	114-26-1	0.056	1.4
Prosulfocarb(6)	52888-80-9	0.042	1.4
Pyrene	129-00-0	0.067	8.2
Pyridine	110-86-1	0.014	16
Safrole	94-59-7	0.081	22
Silvex (2,4,5-TP)	93-72-1	0.72	7.9
1,2,4,5-Tetrachloro-benzene	95-94-3	0.055	14
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro-dibenzofurans)	NA	0.000063	0.001



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1,1,1,2-Tetrachloro-ethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloro-ethane	79-34-5	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
2,3,4,6-Tetrachloro-phenol	58-90-2	0.030	7.4
Thiodicarb(6)	59669-26-0	0.019	1.4
Thiophanate-methyl(6)	23564-05-8	0.056	1.4
Tirpate(6)	26419-73-8	0.056	0.28
Toluene	108-88-3	0.080	10
Toxaphene	8001-35-2	0.0095	2.6
Triallate(6)	2303-17-5	0.042	1.4
Tribromo-methane (Bromoform)	75-25-2	0.63	15
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Trichloromonofluoro-methane	75-69-4	0.020	30
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,4,5-Trichlorophenoxy-acetic acid/2,4,5-T	93-76-5	0.72	7.9
1,2,3-Trichloropropane	96-18-4	0.85	30
1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	0.057	30

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Triethylamine(6)	101-44-8	0.081	1.5
tris-(2,3-Dibromopropyl)phosphate	126-72-7	0.11	0.10
Vernolate(6)	1929-77-7	0.042	1.4
Vinyl chloride	75-01-4	0.27	6.0
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Antimony	7440-36-0	1.9	2.1 mg/l TCLP
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Barium	7440-39-3	1.2	7.6 mg/l TCLP
Beryllium	7440-41-7	0.82	0.014 mg/l TCLP
Cadmium	7440-43-9	0.69	0.19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Cyanides (Total)(4)	57-12-5	1.2	590
Cyanides (Amenable)(4)	57-12-5	0.86	30
Fluoride (5)	16984-48-8	35	NA
Lead	7439-92-1	0.69	0.37 mg/l TCLP
Mercury-Nonwastewater from Retort	7439-97-6	NA	0.20 mg/l TCLP
Mercury-All Others	7439-97-6	0.15	0.025 mg/l TCLP
Nickel	7440-02-0	3.98	5.0 mg/l TCLP
Selenium	7782-49-2	0.82	0.16 mg/l TCLP
Silver	7440-22-4	0.43	0.30 mg/l TCLP
Sulfide	18496-25-8	14	NA
Thallium	7440-28-0	1.4	0.078 mg/l TCLP

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1) Heading of the Part: Livestock Waste Regulations

2) Code Citation: 35 Ill. Adm. Code 506

<u>Section Numbers:</u>	<u>Proposed Action:</u>
506.103	Amended
506.209	Amended
506.601	Amended
506.602	Amended
506.603	Amended
506.604	Added
506.605	Added
506.606	Added
506.607	Added
506.608	Added
506.610	Added
506.611	Added
506.612	Added
506.613	Added
506.614	Added
506.615	Added
506.620	Added
506.Appendix A	Added

4) Statutory Authority: 510 ILCS 77/55 and 415 ILCS 5/27

5) A Complete Description of the Subjects and Issues Involved: A more detailed description of this regulation may be found in the Board's opinion and order of May 21, 1998, in R97-15(B). The proposed rulemaking implements Section 17 of the Livestock Management Facilities Act (LMFA) [510 ILCS 77/17], requiring owners of livestock waste lagoons registered under the LMFA to provide evidence of financial responsibility for closure of such lagoons. The Illinois Department of Agriculture, Illinois Environmental Protection Agency, Illinois Farm Bureau, Illinois Pork Producers Association, Illinois Beef Association, and others participated in the development of the proposed rules through public comments and testimony at public hearings. (Hearings were held in October 1997 and March 1998.)

The proposed rules set forth criteria for the various surety instruments available, the circumstances under which the issuer of a surety instrument becomes liable on the instrument, and the procedures by which the Department of Agriculture uses a surety instrument to fund closure of a lagoon.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

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Vanadium(5) 7440-62-2 4.3 0.23 mg/l TCLP

Zinc(5) 7440-66-6 2.61 5.3 mg/l TCLP

1 CAS means Chemical Abstract Services. When the waste code or regulated constituents are described as a combination of a chemical with its salts or esters, the CAS number is given for the parent compound only.

2 Concentration standards for wastewaters are expressed in mg/l are based on analysis of composite samples.

3 Except for metals (EP or TCLP) and cyanides (total and amenable), the nonwastewater treatment standards expressed as a concentration were established, in part, based on incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724.Subpart O or 35 Ill. Adm. Code 725.Subpart O or on combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in 40 CFR 268.40(d). All concentration standards for nonwastewaters are based on analysis of grab samples.

4 Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010 or 9012, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.

5 These constituents are not "underlying hazardous constituents" in characteristic wastes, according to the definition at Section 728.102(i).

6 This footnote corresponds with note 6 to the table to 40 CFR 268.48(a), which has already expired by its own terms. This statement maintains structural consistency with the federal regulations.

Note: NA means not applicable.

BOARD NOTE: Derived from table to 40 CFR 268.48(a) (1997).

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 8) Does this proposed rule contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: Generally, the policy objectives of this rulemaking are those enumerated in Section 5 of the LMFA. Units of local government would be affected by these rules only if they own or operate facilities regulated under the LMFA. Specifically, the proposed rules promote the policy that livestock waste lagoons must be constructed, financed and closed according to standards to maintain structural integrity and to protect groundwater in the interest of maintaining an economically viable livestock industry in the State of Illinois while protecting the environment.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments concerning this rulemaking should reference R97-15(B) and within 45 days after the publication of this issue of the *Illinois Register* be sent to:

Dorothy Gunn  
Clerk of the Pollution Control Board  
100 West Randolph Street  
Suite 11-500  
Chicago, Illinois 60601

Questions regarding this proposal may be directed to Charles A. King at (312) 814-6926.

- 12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: The proposed rules will affect only agricultural operations utilizing livestock waste lagoons which must be registered under the LMFA.
- B) Reporting, bookkeeping, or other procedures required for compliance: Lagoon owners are required to notify the Department of Agriculture when a lagoon is removed from service. Owners may be required to inspect and service or maintain lagoons. When a lagoon is removed from service, an owner is required to submit a closure plan to the Department of Agriculture within 60 days. Owners are required to submit evidence of financial responsibility for lagoon closure to the Department of Agriculture.
- C) Types of professional skills necessary for compliance: Engineering services may be needed in preparing closure plans or performing maintenance or service on lagoons. Accounting services may be required in obtaining evidence of financial responsibility.

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- 13) Regulatory Agenda on which this rulemaking was summarized: July 1997

The full text of the Proposed Amendments begins on the next page:



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TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE E: AGRICULTURE RELATED POLLUTION  
CHAPTER I: POLLUTION CONTROL BOARD  
PART 506  
LIVESTOCK WASTE REGULATIONS

SUBPART A: GENERAL PROVISIONS

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506.102 Severability  
506.103 Definitions  
506.104 Incorporations by Reference  
506.105 Recordkeeping  
506.106 Alternatives, Modifications and Waivers

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506.207 Certification of Construction  
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506.209 Lagoon Closure and Ownership Transfer

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506.302 Scope and Applicability  
506.303 Waste Management Plan Contents  
506.304 Livestock Waste Volumes  
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506.309 Nitrogen Credits  
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506.313 Plan Updates  
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SUBPART D: CERTIFIED LIVESTOCK MANAGER

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Section  
506.401 Applicability

SUBPART E: PENALTIES

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SUBPART F: FINANCIAL RESPONSIBILITY

- Section  
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506.610 Commercial or Private Insurance  
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506.613 Letter of Credit  
506.614 Certificate of Deposit or Designated Savings Account  
506.615 Participation in a Livestock Waste Lagoon Closure Fund  
506.620 Penalties

SUBPART G: SETBACKS

- Section  
506.701 Applicability  
506.702 Procedures  
506.703 Initial Determination of Setbacks  
506.704 Penalties

APPENDIX A Surety Instruments  
ILLUSTRATION A Surety Bond  
ILLUSTRATION B Irrevocable Standby Letter of Credit

AUTHORITY: Authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/27] and Section 55 of the Livestock Management Facilities Act and implementing the Livestock Management Facilities Act [510 ILCS 77].

SOURCE: Adopted in R97-15(A) at 21 Ill. Reg. 6851, effective May 20, 1997; amended in R97-15(B) at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses;

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subscript are denoted by brackets; and SUM means the summation series or sigma function as used in mathematics.

## Section 506.103 Definitions

Except as stated in this Section, or unless a different meaning of a word or term is clear from the context, the definition of words or terms in this Part shall be the same as that applied to the same words or terms in the Environmental Protection Act [415 ILCS 5] or the Livestock Management Facilities Act [510 ILCS 77]. For the purposes of this Part, the terms included herein shall have their associated meaning as follows:

"Agency" means the Illinois Environmental Protection Agency. [510 ILCS 77/10.5]

"Animal feeding operation" means a feeding operation as defined in the Illinois Environmental Protection Act and the rules promulgated under that Act concerning agriculture related pollution. [510 ILCS 77/10.7]

"Animal unit" means a unit of measurement for any animal feeding operation calculated as follows:

Brood cows and slaughter and feeder cattle multiplied by 1.0.

Milking dairy cows multiplied by 1.4.

Young dairy stock multiplied by 0.6.

Swine weighing over 55 pounds multiplied by 0.4.

Swine weighing under 55 pounds multiplied by 0.03.

Sheep, lambs, or goats multiplied by 0.1.

Horses multiplied by 2.0.

Turkeys multiplied by 0.02.

Laying hens or broilers multiplied by 0.01 (if the facility has continuous overflow watering).

Laying hens or broilers multiplied by 0.03 (if the facility has a liquid manure handling system).

Ducks multiplied by 0.02. [510 ILCS 77/10.10]

"Aquifer material" means sandstone which is five feet or more in thickness, or fractured carbonate which is ten feet or more in

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thickness; or, sand, gravel, or sand and gravel, as defined herein, such that there is at least two feet or more present within any five foot section of a soil boring performed in accordance with Section 506.202 of this Part.

"Certified livestock manager" means a person that has been duly certified by the Department as an operator of a livestock waste handling facility. [510 ILCS 77/10.15]

"Department" means the Illinois Department of Agriculture. [510 ILCS 77/10.20]

"Farm residence" means any residence on a farm owned or occupied by the farm owners, operators, tenants, or seasonal or year-round hired workers. For purposes of this definition, a "farm" is the land, buildings, and machinery used in the commercial production of farm products, and "farm products" are those plants and animals and their products which are produced or raised for commercial purposes and include but are not limited to forages and sod crops, grains and feed crops, dairy and dairy products, poultry and poultry products, livestock, fruits, vegetables, flowers, seeds, grasses, trees, fish, honey and other similar products, or any other plant, animal, or plant or animal product which supplies people with food, feed, fiber, or fur. [510 ILCS 77/10.23]

"Gravel" or "Sand and gravel" means unconsolidated materials that contain a matrix (particles of two millimeters or less) that is consistent with the definition of "sand" and particles larger than two millimeters in size.

"Lagoon" or "Earthen livestock waste lagoon" means any excavated, diked, or walled structure or combination of structures designed for biological stabilization and storage of livestock wastes. A lagoon does not include structures such as manufactured slurry storage structures or pits under buildings as defined in rules under the Environmental Protection Act concerning agriculture related pollution. [510 ILCS 77/10.25]

"Licensed Professional Engineer" means a person, corporation or partnership licensed under the laws of the State of Illinois to practice professional engineering. [415 ILCS 5/57.2]

"Licensed Professional Geologist" means an individual who is licensed under the laws of the State of Illinois to engage in the practice of professional geology in Illinois. [225 ILCS 745/15]

"Livestock management facility" means any animal feeding operation, livestock shelter, or on-farm milking and accompanying milk-handling

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"Two or more livestock management facilities under common ownership, where the facilities are not separated by a minimum distance of 1/4 mile, and that share a common livestock waste handling facility shall be considered a single livestock management facility. Livestock management facilities at educational institutions, livestock pasture operations, facilities where animals are housed on a temporary basis such as county and state fairs, livestock shows, race tracks, and horse breeding and foaling farms, and market holding facilities are not subject to the Livestock Management Facilities Act or the requirements of this Part. [510 ILCS 77/10.30]"

"Livestock waste" means livestock excreta and associated losses, bedding, wash waters, sprinkling waters from livestock cooling, precipitation polluted by falling on or flowing onto an animal feeding operation, and other materials polluted by livestock. [510 ILCS 77/10.35]

"Livestock waste handling facility" means individually or collectively those immovable constructions or devices, except sewers, used for collecting, pumping, treating, or disposing of livestock waste or for the recovery of by-products from the livestock waste. Two or more livestock waste handling facilities under common ownership and where the facilities are not separated by a minimum distance of 1/4 mile shall be considered a single livestock waste handling facility. [510 ILCS 77/10.40]

"Maintained" means, with reference to a livestock waste lagoon, that the livestock waste lagoon is inspected (including but not limited to inspection for burrow holes, trees and woody vegetation, proper freeboard, erosion, settling of berm, berm top integrity, leaks, and seepage) and preventive action is taken as necessary to assure the integrity of the lagoon and its berm and associated appurtenances.

"Modified" means structural changes to a lagoon that increase its volumetric capacity. [510 ILCS 77/10.43]

"New facility" means a livestock management facility or a livestock waste handling facility the construction or expansion of which is commenced on or after May 21, 1996 (the effective date of the Livestock Management Facilities Act). Expanding a facility where the fixed capital cost of the new components constructed within a 2-year period does not exceed 50% of the fixed capital cost of a comparable entirely new facility shall not be deemed a new facility as used in the Livestock Management Facilities Act. [510 ILCS 77/10.45]

"Non-farm residence" means any residence which is not a farm residence. [510 ILCS 77/10.47]

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"Occupied residence" means a house or other type of shelter that is intended or used for human occupancy and has been occupied by humans for more than a total of six months in the last two years at that location. For the purposes of this definition, "intended or used for human occupancy" means running water and sanitation are provided within the residence.

"Owner or operator" means any person who owns, leases, controls, or supervises a livestock management facility or livestock waste-handling facility. [510 ILCS 77/10.50]

"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, State agency, or any other legal entity or their legal representative, agent, or assigns. [510 ILCS 77/10.55]

"Placed in service" means the placement of livestock waste in a livestock waste lagoon upon the completion of construction or modification in accordance with the requirements of this Part.

"Populated area" means any area where at least 10 inhabited non-farm residences are located or where at least 50 persons frequent a common place of assembly or a non-farm business at least once per week. [510 ILCS 77/10.60] The existence of a populated area shall be determined by identifying the area around the livestock management or livestock waste handling facility delineated by a distance equal to the applicable setback distance and identifying the number of residences or the existence of a non-farm business or the existence of a common place of assembly within that area. For the purpose of setback requirements, common places of assembly or non-farm businesses include but are not limited to churches, hospitals, schools, day care centers, manufacturing companies, land managed for recreational or conservation purposes, museums, camps, parks, retail and wholesale facilities, and shopping centers. A common place of assembly or a non-farm business includes places that operate less than 52 weeks per year, such as schools with seasonal vacation periods and businesses or other places which experience seasonal shutdowns, and parks, camps, and recreational areas which experience seasonal shutdowns or reduced attendance during a portion of the calendar year, provided that such places are frequented by at least 50 persons at least once per week during the portions of the year when seasonal shutdowns or reductions in attendance do not occur.

"Residence" means a house or other structure, including all attachments to the house or structure, which is used as a place of human habitation.

"Sand" means unconsolidated materials, where 70% or more of the



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particles are of size 0.06 millimeters to 2.00 millimeters, and which according to the USDA soil texture classification scheme includes soil textures of sand, and loamy sand, and portions of sandy loam and sandy clay loam.

"Serviced" means, with reference to a livestock waste lagoon, that corrective action is taken as necessary to assure the integrity of the lagoon and its berm and associated appurtenances, including but not limited to removal or repair of burrow holes, trees and woody vegetation, freeboard level, erosion, settling of berm, berm top maintenance, leaks, and seepage.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 506.209 Lagoon Closure and Ownership Transfer

a) When any earthen livestock waste lagoon is removed from service, it shall be completely emptied. Appropriate closure procedures shall be followed as determined by the requirements of this Part. [510 ILCS 77/15(e)]

1) In the event that any earthen livestock waste lagoon is to--be removed from service, the requirements contained in Section 15(e) of the Livestock Management Facilities Act [510 ILCS 77/15(e)] shall be met. The owner or operator shall notify the Department in writing when a lagoon is removed from service. Within 60 days after removal of the lagoon from service, and the owner or operator shall submit a lagoon closure plan to the Department for review and approval. If no lagoon closure plan is received within 60 days, the Department shall send the lagoon owner a notice of default.

2) The lagoon closure plan shall provide for the following:

- A) The sampling, analysis and reporting of results of all remaining livestock waste, sludge and minimum six-inch thickness of soil from throughout the lagoon interior consistent with the requirements of Section 506.312 of this Part;
- B) The removal of all remaining livestock waste including sludge, the removal of a minimum 6 inch thickness of soil from throughout the lagoon interior, and the application of these materials to crop land at agronomic rates consistent with the provisions of the site livestock waste management plan or their otherwise proper disposal;
- C) The removal of all associated appurtenances, including but not limited to transfer lines, ramps, pumping ports and other waste conveyance structures;
- D) The proper management of any impounded precipitation in the remaining excavation if it is not immediately filled and the

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area immediately returned to its pre-construction condition; The proper abandonment of any monitoring wells installed pursuant to Section 506.206 of this Part which shall be conducted pursuant to the Illinois Water Well Construction Code at 77 Ill. Adm. Code 920.120; and

F) A proposed time frame for the completion of the closure activities which will be no greater than two years from the cessation of operation date unless the lagoon is maintained or serviced.

3)2) The Department shall review and approve, reject, or request additional information relative to the lagoon closure plan. The Department may also grant a waiver to any of the before-stated closure requirements that will permit the lagoon to be used for an alternative purpose. [510 ILCS 77/15(e)]

4)3) Upon completion of the lagoon closure activities as prescribed by the Department-approved closure plan, the owner or operator shall notify the Department to allow for post closure inspection. The Department shall conduct a site inspection and issue a written notification of closure completion or inform the owner or operator of any unresolved closure issues.

b) A lagoon is considered removed from service when:

- 1) The Department has ordered the lagoon removed from service under Section 506.620 of this Part;
- 2) A tribunal of competent jurisdiction has ordered the lagoon closed or ordered the owner or operator to cease operations;
- 3) The lagoon no longer receives livestock waste and the lagoon is not being serviced or maintained;
- 4) The owner fails to extend the term for which evidence of financial responsibility is shown as required in Section 506.602(b) of this Part;
- 5) The Department issues a final denial of a request to use a lagoon for an alternative purpose; or
- 6) The owner or operator informs the Department in accordance with subsection (a) of this Section that the lagoon has been removed from service.

c)2) Upon a change in the ownership of a registered earthen livestock waste lagoon, the new owner shall notify, in writing, the Department of the change within 30 working days of the closing of the transaction. [510 ILCS 77/15(e)]

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART F: FINANCIAL RESPONSIBILITY

## Section 506.601 Scope, Applicability, and Definitions

a) This Subpart provides procedures by which the owner of a new or

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Section 506.602 Mechanisms for Providing Evidence of Financial Responsibility

modified livestock waste lagoon registered under the Livestock Management Facilities Act provides evidence of financial responsibility satisfying the requirements of Section 17 of the Livestock Management Facilities Act.

Owners of lagoons must comply with the financial responsibility requirements of this Part either:

- 1) within 180 days after the date on which this provision becomes effective; or
- 2) before the lagoon is placed in service.

b) Definitions:

1) "Financial institution" means:

A) An insurer providing commercial or private insurance to evidence financial responsibility for lagoon closure in accordance with Section 506.610 of this Part;

B) A guarantor providing a guarantee as evidence of financial responsibility for lagoon closure in accordance with Section 506.611 of this Part;

C) The issuer of a surety bond as evidence of financial responsibility for lagoon closure in accordance with Section 506.612 of this Part;

D) The issuer of a letter of credit as evidence of financial responsibility for lagoon closure in accordance with Section 506.613 of this Part; or

E) The livestock waste lagoon closure fund managed by the Illinois Farm Development Authority that evidences financial responsibility for lagoon closure in accordance with Section 506.615 of this Part.

2) "Level of surety" means the level, calculated in accordance with Section 506.603 of this Part, at which evidence of financial responsibility must be provided.

3) "Surety instrument" means any of the devices listed in Section 506.602 of this Part by which a lagoon owner evidences financial responsibility for lagoon closure. Unless the context requires otherwise, "surety instrument" includes a combination of surety instruments.

Owners of new or modified lagoons registered under the provisions of the Livestock Management Facilities Act (510-1BES-77) shall establish and maintain evidence of financial responsibility to provide for the closure of the lagoons and the proper disposal of their contents within the time provisions outlined in Section 17 of the Livestock Management Facilities Act. (510-1BES-77/17)

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 506.602 Mechanisms for Providing Evidence of Financial Responsibility

- a) Financial responsibility may be evidenced by any combination of the following:

- 1) Commercial or private insurance;
- 2) Guarantee;
- 3) Surety bond;
- 4) Letter of credit; or
- 5) Certificate of deposit or designated savings account; or
- 6) Participation in a livestock waste lagoon closure fund managed by the Illinois Farm Development Authority. (510 ILCS 77/17)

b) The lagoon owner must provide continuous coverage from the time the lagoon is placed in service until such time as the owner is released from the financial responsibility requirements pursuant to Section 506.605(a) of this Subpart. The initial term of any instrument (Other than a certificate of deposit or designated savings account) utilized to fulfill the requirements of this Part must be at least three years. At least two years prior to the expiration date of such instrument, the owner must provide the Department with proof that the term of coverage has been extended for at least one additional year.

c) Upon a change in the ownership of a livestock management facility or livestock waste handling facility involving a lagoon that is subject to the financial responsibility requirements of this Subpart, the new owner must establish and maintain evidence of financial responsibility at the same level of surety as the previous owner.

d) The lagoon owner must ensure that the terms and conditions of the financial instrument(s) listed in subsection (a) of this Section upon which the owner relies are legally valid, binding, and enforceable under State and federal law.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 506.603 Level of Surety

a) The level of surety is determined by the following formula:

$$\text{Level of Surety} = V \times CF$$

where:

V = Volume of the lagoon as constructed or modified in cubic feet, including the freeboard volume; and

CF = Cost factor determined pursuant to subsection (b) of this Section.

b) The cost factor is obtained from the following:

- 1) From the effective date of this provision through December 31, 2002, the cost factor is 10¢ per cubic foot of lagoon volume.
- 2) From January 1, 2003 through December 31, 2007, the cost factor is 12¢ per cubic foot of lagoon volume.



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- 3) From January 1, 2008, the cost factor is 15¢ per cubic foot of lagoon volume.

*The level of surety required shall be determined by rule and be based upon the volumetric capacity of the lagoon. (510-1505-77/17)*

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 506.604 Upgrading Surety Instrument**

- a) The owner of a lagoon must increase the total amount of surety in place so as to equal the level of surety as calculated within 90 days after:

- 1) a modification resulting in an increase in the volume of the lagoon; or  
2) an increase in the cost factor under Section 506.603(b) of this Part.

- b) If modification of a lagoon results in a decrease in volumetric capacity, the owner or operator may provide the Department with documentation of the reduction in volumetric capacity and request a recalculation of the level of surety. Within 90 days after a request by the owner or operator under this subsection, the Department must either:

- 1) release any surety amount above the level of surety as recalculated based upon the owner's documentation of reduction of volumetric capacity; or  
2) conduct an inspection and determine the amount by which volumetric capacity has been decreased.

- c) If the Department conducts an inspection under subsection (b), then the Department must release any surety amount above the level of surety as recalculated based upon the results of the inspection.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 506.605 Release of Lagoon Owner and Financial Institution**

- a) The Department must release a lagoon owner from the requirements of this Subpart when:

- 1) The lagoon has been properly closed and a notification of closure completion pursuant to Section 506.209 of this Part has been issued to the lagoon owner by the Department; or  
2) A waiver has been granted by the Department to the lagoon owner allowing the lagoon to be used for an alternative purpose; or  
3) Title of the property containing the lagoon has been transferred to a new owner and the new owner has posted financial assurance as required under Section 506.602(c) of this Part.

- b) The Department must release a financial institution when:

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- 1) A lagoon owner offers an authorized alternative surety that meets the requirements of Section 506.607(c) of this Part; or  
2) The Department releases the lagoon owner from the requirements of this Subpart under subsection (a).

- c) The Department must notify the lagoon owner and financial institution in writing within 60 days after a release under this Section. Where a release is based upon proper closure of a lagoon, notification under this subsection should occur at the same time as notice of proper closure under Section 506.209(a)(4).

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 506.606 Financial Responsibility Proceeds**

- a) A financial institution issuing a surety instrument evidencing financial responsibility for closure of a livestock waste lagoon becomes liable on the surety instrument when a lagoon is removed from service and:

- 1) The owner fails to submit the lagoon closure plan required by Section 506.209 of this Part and:

- A) cannot be found; or  
B) fails to cure such failure within 30 days after notice from the Department;

- 2) The owner fails to obtain Department approval of a lagoon closure plan within one year after the date that the lagoon is removed from service, unless the lagoon is maintained or serviced; or  
3) The owner fails to comply with an approved lagoon closure plan and:

- A) cannot be found; or  
B) fails to cure such noncompliance within 30 days after notice from the Department.

- b) When one of the criteria under subsection (a) is met, the Department must provide notice of liability to the financial institution providing surety for the lagoon. Within 30 days after notice from the Department, the financial institution must either assume liability for closure of the lagoon and notify the Department of its election to assume liability, or deposit the amount for which it is liable in connection with the lagoon into an account from which the Department is authorized to disburse funds for the purpose of closing the lagoon.

- 1) If the financial institution assumes liability for closure of the lagoon, it must submit a lagoon closure plan that meets the requirements of Section 506.209 of this Part within 60 days after notifying the Department of its election. Notwithstanding the financial institution's assumption of liability for closure of the lagoon, the Department may require the financial institution to deposit funds up to the level of surety into an account from which the Department is authorized to disburse funds for the



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responsibility for the lagoon at a level not less (without counting the amounts to be released) than the level of surety.

- d) A replacement financial instrument or instruments must provide evidence of financial responsibility for a period at least equal to the existing instrument or instruments. This provision does not relieve an owner of the obligation under Section 506.602(b) to provide proof at least two years prior to expiration of a surety instrument that the term for which financial responsibility has been demonstrated has been extended for at least an additional year.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 506.608 Use of a Single Surety Instrument for Multiple Lagoons**

- a) An owner may use a surety instrument specified in this Subpart to provide evidence of financial responsibility for more than one lagoon. Whenever a single surety instrument is used for multiple lagoons, the owner must submit an itemization to the Department identifying all lagoons covered by the surety instrument and the amount allocated to each lagoon.
- c) The amount of funds available through the surety instrument must be no less than the sum of funds that would be available if a separate surety instrument had been established and maintained for each lagoon. In directing funds available through a single surety instrument for the closure of any single lagoon covered by that surety instrument, the Department shall direct only the amount of funds designated for that lagoon, unless the owner agrees to the use of additional funds available under that surety instrument. Such use of funds does not affect the owner's obligation to provide evidence of financial responsibility up to the level of surety for all other lagoons.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 506.610 Commercial or Private Insurance**

- a) A lagoon owner may provide evidence of financial responsibility for closure of a livestock waste lagoon by obtaining closure insurance that conforms to the requirements of this Subpart and submitting an executed duplicate original of such insurance policy to the Department.
- b) The insurer shall be licensed to transact the business of insurance by the Illinois Department of Insurance pursuant to the Illinois Insurance Code [215 ILCS 5].
- c) The policy must be on forms approved by the Illinois Department of Insurance pursuant to the Illinois Insurance Code.
- d) The closure insurance policy must be issued for a face amount at least

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purpose of closing the lagoon if:

- A) The financial institution does not submit the lagoon closure plan as required and fails to cure such omission within 30 days after notice from the Department;
- B) The financial institution fails to obtain Department approval of a lagoon closure plan within one year after the date that it elects to assume liability for closure of the lagoon, unless the lagoon is maintained or serviced; or
- C) The financial institution fails to comply with an approved lagoon closure plan and fails to cure such noncompliance within 30 days after notice from the Department.
- 2) A financial institution that assumes liability for closure of a lagoon under this Section remains liable for the full amount of the level of surety until the Department issues written notification of closure completion in accordance with Section 506.209, notwithstanding the expiration of the instrument utilized to evidence financial responsibility by the owner.
- 3) Any amounts that a financial institution may expend for service or maintenance of the lagoon pending closure do not reduce the amount of the financial institution's obligation under this subsection (b).
- 4) If the financial institution elects to deposit the funds required by the Department into an account from which the Department is authorized to disburse funds for the purpose of closing the lagoon, then the Department shall close the lagoon within the time frame established under Section 15(e) of the IMFA or as soon as practicable, to the extent possible utilizing the funds deposited by the financial institution. The Department must release any funds remaining in the account, and any interest that may be earned on funds in the account, to the financial institution upon completion of closure.
- c) The Department may sue in any court of competent jurisdiction to enforce its rights under any surety instrument.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 506.607 Use of Multiple Surety Instruments**

- a) The lagoon owner may use any combination of the surety instruments listed in Section 17 of the Livestock Management Facilities Act [510 ILCS 77/17] and this Subpart to evidence the required level of financial responsibility.
- b) A lagoon owner is not limited to maintaining financial responsibility with the original surety instrument or combination of instruments. The owner must notify the Department prior to any change in surety instruments.
- c) Any change in surety instruments must maintain the total financial

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- equal to the current level of surety.
- e) The closure insurance policy must guarantee that funds will be available to close the lagoon. The policy must also guarantee that, upon a notice of liability from the Department, the insurer will be responsible for paying out funds, up to an amount equal to the face amount of the policy, in accordance with Section 506.606 of this Part.
- f) The policy must provide that the insurer may not cancel or terminate the policy.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 506.611 Guarantee**

- a) A lagoon owner may provide evidence of financial responsibility for closure of a livestock waste lagoon by obtaining a guarantee that conforms to the requirements of this Subpart.
- b) A guarantor must submit a financial statement to the Department from the guarantor's most recent fiscal year.
- c) The Department shall review the financial statement, determine if adequate resources exist to guarantee the closure costs, and notify the lagoon owner of acceptance or denial within 30 days after receipt of the financial statement by the Department.
- d) The guarantor shall guarantee to pay the amount specified in the guarantee upon notice from the Department as provided in Section 506.606(b) of this Part.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 506.612 Surety Bond**

- a) A lagoon owner may provide evidence of financial responsibility for closure of a livestock waste lagoon by obtaining a surety bond that conforms to the requirements of this Subpart and submitting the bond to the Department.
- b) The surety company issuing the bond shall be licensed by the Illinois Department of Insurance pursuant to the Illinois Insurance Code [215 ILCS 5] and approved by the U.S. Department of the Treasury as an acceptable surety. Acceptable sureties are listed in Circular 570 from the U.S. Department of the Treasury.
- c) Conditions:

- 1) The bond must guarantee that the lagoon owner will provide lagoon closure and content removal in accordance with Section 506.209 of this Part.
  - 2) The penal sum of the bond must be in an amount at least equal to the current level of surety.
- d) The surety bond must be in substantially the form specified in \_\_\_\_\_

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Appendix A, Illustration A of this Part.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 506.613 Letter of Credit**

- a) A lagoon owner may provide evidence of financial responsibility for closure of a livestock waste lagoon by obtaining an irrevocable standby letter of credit that conforms to the requirements of this Subpart and submitting the letter to the Department.
- b) The issuing institution must be an entity that has the authority to issue letters of credit and:
- 1) whose letter of credit operations are regulated by the Illinois Commissioner of Banks and Real Estate; or
  - 2) whose deposits are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.
- c) The letter of credit made out to the Department must be accompanied by a letter from the lagoon owner referring to the letter of credit by number, issuing institution, and date and providing the following information: name and address of the lagoon site and the amount of funds assured for closure of the lagoon by the letter of credit.
- d) The amount of the letter of credit must be equal to or exceed the level of surety for the lagoon.
- e) The letter of credit must be substantially in the form specified in Appendix A, Illustration B of this Part.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 506.614 Certificate of Deposit or Designated Savings Account**

- a) A lagoon owner may provide evidence of financial responsibility for closure of a livestock waste lagoon by designating certificate(s) of deposit or savings account(s) for use as financial responsibility.
- b) The issuing or depository financial institution must be an entity whose deposits are insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.
- c) The Department may draw on the certificate(s) of deposit or savings account(s) to pay the costs of closing a lagoon in accordance with this subsection. The Department shall close a lagoon when the lagoon is removed from service and:
- 1) The owner fails to submit the lagoon closure plan required by Section 506.209 of this Part and:
    - A) cannot be found; or
    - B) fails to cure such failure within 30 days after notice from the Department;



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fund will be responsible for paying out funds, up to the level of surety for a given participant's lagoon, in accordance with Section 506.606 of this Part.

d) The lagoon closure fund must provide coverage for specified periods of time. The lagoon closure fund may not cancel or terminate coverage prior to expiration of the specified period.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 506.620 Penalties

The Department may order a lagoon removed from service if the owner fails to provide evidence of financial responsibility to the Department or fails to maintain financial responsibility in the amount required pursuant to Section 506.603 of this Subpart.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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2) The owner fails to obtain Department approval of a lagoon closure plan within one year after the date that the lagoon is removed from service, unless the lagoon is maintained or serviced; or

3) The owner fails to comply with an approved lagoon closure plan and:

A) cannot be found; or

B) fails to cure such noncompliance within 30 days after notice from the Department.

d) The Director of the Department shall be listed as trustee of the certificate(s) of deposit or savings account(s) for the lagoon owner. At maturity of any certificate of deposit designated as financial responsibility for lagoon closure, the certificate shall be renewed or the proceeds deposited into a designated savings account that meets the requirements of this Section.

e) The Department shall relinquish trusteeship of the certificate(s) of deposit or savings account(s) when:

1) The lagoon has been properly closed and a notification of closure completeness pursuant to Section 506.209 of this Part has been issued to the lagoon owner by the Department;

2) A waiver has been granted by the Department to the lagoon owner allowing the lagoon to be used for an alternative purpose pursuant to Section 506.209 of this Part; or

3) Title of the property containing the lagoon has been transferred to a new owner and the new owner has posted financial assurance as required under Section 506.602(c) of this Part.

f) The Department shall relinquish trusteeship of the certificate(s) of deposit or savings account(s) when:

1) The lagoon has been properly closed and a notification of closure completeness pursuant to Section 506.209 of this Part has been issued to the lagoon owner by the Department;

2) A waiver has been granted by the Department to the lagoon owner allowing the lagoon to be used for an alternative purpose pursuant to Section 506.209 of this Part; or

3) Title of the property containing the lagoon has been transferred to a new owner and the new owner has posted financial assurance as required under Section 506.602(c) of this Part.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 506.615 Participation in a Livestock Waste Lagoon Closure Fund

a) A lagoon owner may provide evidence of financial responsibility for closure of a livestock waste lagoon by participating in a livestock waste lagoon closure fund managed by the Illinois Farm Development Authority. An owner electing to provide evidence of financial responsibility under this Section must submit a certificate of participation in such a lagoon closure fund to the Department. The certificate must include a financial statement of the lagoon closure fund establishing the lagoon closure fund's compliance with the requirements of this Section.

b) The lagoon closure fund must maintain minimum reserves equal to the greater of:

1) the level of surety of the largest lagoon covered by the lagoon closure fund; or

2) twice the average level of surety of lagoons covered by the fund.

c) The lagoon closure fund must guarantee that funds will be available to close the lagoon. The lagoon closure fund must also guarantee that, upon a notice of liability from the Department, the lagoon closure



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## Section 506.APPENDIX A Surety Instruments

## Section 506.ILLUSTRATION A Surety Bond

## SURETY BOND

Date bond executed: \_\_\_\_\_

Effective date: \_\_\_\_\_

Principal: \_\_\_\_\_

Type of organization: \_\_\_\_\_

State of incorporation: \_\_\_\_\_

Surety: \_\_\_\_\_

Sites: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

Amount guaranteed by this bond: \$ \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_

Amount guaranteed by this bond: \$ \_\_\_\_\_

Please attach a separate page if more space is needed for all sites.

Total penal sum of bond: \$ \_\_\_\_\_

Surety's bond number: \$ \_\_\_\_\_

The Principal and the Surety promise to pay the Illinois Department of Agriculture ("Department") the above penal sum unless the Principal provides closure for each site in accordance with 510 ILCS 77/15(e) and 35 Ill. Adm. Code 506.209. To the payment of this obligation the Principal and Surety jointly and severally bind themselves, their heirs, executors, administrators, successors and assigns.

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Whereas the Principal is required, under Section 15(b) of the Livestock Management Facilities Act ("LMFA") to register at least one livestock waste lagoon with the Department; and

Whereas the Principal is required, under Section 17 of the LMFA to evidence financial responsibility for closure of each registered lagoon; and

Whereas the Surety is licensed by the Illinois Department of Insurance; and

Whereas the Principal and Surety agree that this bond shall be governed by the laws of the State of Illinois;

The Surety shall pay the penal sum to the Department if, during the term of the bond, the Department issues a notice of liability to the Surety.

The Surety shall pay the penal sum of the bond to the Department within 30 days after the Department mails the notice of liability to the Surety unless the Surety assumes responsibility to provide closure and so notifies the Department. Payment shall be made by deposit of funds into a designated account upon which the Department is authorized to draw.

The liability of the Surety shall not be discharged by any payment or succession of payments unless and until such payment or payments shall amount in the aggregate to the penal sum of the bond. In no event shall the obligation of the Surety exceed the amount of the penal sum.

This bond shall expire on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

The Principal may terminate this bond by sending written notice to the surety; provided, however, that no such notice shall become effective until the Surety receives written authorization for termination of the bond from the Department.

In Witness Whereof, the Principal and Surety have executed this Surety Bond and have affixed their seals on the date set forth above.

The persons whose signatures appear below certify that they are authorized to execute this surety bond on behalf of the Principal and Surety.

## PRINCIPAL

Signature Name \_\_\_\_\_

Typed Name \_\_\_\_\_

Address \_\_\_\_\_

Title \_\_\_\_\_

## POLLUTION CONTROL BOARD

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State of IncorporationDateCorporate sealCORPORATE SURETYSignatureTyped NameTitleCorporate sealBond premium: \$

## POLLUTION CONTROL BOARD

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Section 506. ILLUSTRATION B Irrevocable Standby Letter of CreditIRREVOCABLE STANDBY LETTER OF CREDIT

Director  
Illinois Department of Agriculture  
P.O. Box 19281  
Springfield IL 62794-19281

Dear Sir or Madam:

We have authority to issue letters of credit. Our letter-of-credit operations are regulated by the Illinois Commissioner of Banks and Real Estate or our deposits are insured by the Federal Deposit Insurance Corporation. (Omit language that does not apply.)

We hereby establish our Irrevocable Standby Letter of Credit No. \_\_\_\_\_ in your favor, at the request and for the account of \_\_\_\_\_ up to the aggregate amount of \_\_\_\_\_ U.S. dollars (\$ \_\_\_\_\_), available upon presentation of:

1. your sight draft, bearing reference to this letter of credit No. \_\_\_\_\_; and

2. your signed statement reading as follows: "I certify that the amount of the draft is payable pursuant to regulations issued under authority of the Livestock Management Facilities Act [510 ILCS 77] and 35 Ill. Adm. Code 506.606(a)."

This letter of credit is effective as of \_\_\_\_\_ and shall expire on \_\_\_\_\_.

Whenever this letter of credit is drawn on under and in compliance with the terms of this credit, we shall duly honor such draft upon presentation to us, and we shall deposit the amount of draft directly into a designated account in accordance with your instructions.

This letter of credit is governed by the Uniform Commercial Code [810 ILCS 5].

Signature

Typed Name

Title

Date

Name and address of issuing institution

This credit is subject to

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(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: RCRA Permit Program
- 2) Code citation: 35 Ill. Adm. Code 703
- 3) Section numbers:  
703.124  
703.213  
703.232  
703.280  
Proposed action:  
Amendment  
Amendment  
Amendment
- 4) Statutory authority: 415 ILCS 5/22.4 and 27.

5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's proposed opinion of May 21, 1998, in R97-21/R98-3/R98-5 (consolidated), which opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Sections 5-35 and 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Sections 5-35 and 5-40 of the IAPA, it is not subject to first notice or to second notice review by JCAR.

The R97-21/R98-3/R98-5 proceeding updates Parts 703, 720, 721, 722, 723, 724, 725, 726, 728, and 738 of the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the periods July 1, 1996 through December 31, 1996 (docket R97-21) and January 1, 1997 through June 30, 1997 (docket R98-5). It further updates the Illinois underground injection control (UIC) rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period January 1, 1997, through June 30, 1997 (docket R98-3). During this period, USEPA amended its regulations as follows:

Docket R97-21: July 1, 1996 through December 31, 1996 RCRA Subtitle C Amendments

61 Fed. Reg. 34251  
(July 1, 1996)

USEPA adopted revisions establishing that only those non-municipal non-hazardous waste disposal units that meet specific standards may receive conditionally exempt small quantity generator (CESQG) hazardous wastes.

61 Fed. Reg. 36419  
(July 10, 1996)

USEPA corrected typographic errors in certain of the April 8, 1996 Phase III land disposal restriction (LDR) amendments.



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USEPA authorized additional segments of the Illinois RCRA Subtitle C hazardous waste program.

USEPA adopted emergency amendments to the April 8, 1996 Phase III land disposal restrictions (LDR) treatment standards for carbamate wastes due to analytical problems with those wastes.

USEPA published a correction to the text of its rules in the Code of Federal Regulations (40 CFR 266.100(c)(3)(i)) due to the fact that segments were missing from the text.

USEPA adopted "final" organic air emission standards for tanks, surface impoundments, and containers (the "Subpart CC" rules).

USEPA amended the addresses for its Region V headquarters.

USEPA adopted the Phase IV land disposal restriction amendments for hazardous waste generated from wood processing operations.

USEPA amended the addresses for its Region V headquarters.

USEPA extended the national capacity variance for spent potliners from primary aluminum production (K088 waste) for 6 months.

USEPA amended various parts of the rules to identify when conventional and chemical military munitions become hazardous waste under RCRA.

61 Fed. Reg. 40520 (August 5, 1996)

61 Fed. Reg. 43927 (August 26, 1996)

61 Fed. Reg. 56631 (November 4, 1996)

61 Fed. Reg. 59931 (November 25, 1996)

62 Fed. Reg. 1834 (January 14, 1997)

62 Fed. Reg. 25998 (May 12, 1997)

62 Fed. Reg. 1678 (January 13, 1997)

62 Fed. Reg. 1834 (January 14, 1997)

62 Fed. Reg. 1991 (January 14, 1997)

62 Fed. Reg. 6621 (February 12, 1997)

USEPA adopted technical amendments to the tables in the Phase III land disposal restriction rule.

USEPA adopted the Phase IV land disposal restriction amendments for hazardous waste generated from wood processing operations.

USEPA adopted amendments to the hazardous waste testing and monitoring regulations.

USEPA adopted amendments to hazardous waste regulations regarding delisting of carbamate waste as hazardous under RCRA.

62 Fed. Reg. 7502 (February 19, 1997)

62 Fed. Reg. 25998 (May 12, 1997)

62 Fed. Reg. 32452 (June 13, 1997)

62 Fed. Reg. 32974 (June 17, 1997)

The Board will not need to take action based on the federal actions of July 10, 1996, August 26, 1996, November 25, 1996, January 13, 1997, July 10, 1996, August 26, 1996, November 19, 1997, and June 17, 1997, since we took action in prior actions. No action will be required of the Board on the August 5, 1996 federal authorization of additional elements of the Illinois RCRA Subtitle C hazardous waste program and the Code of Federal Regulations correction of November 4, 1996.

The Board will need to act with regard to the rest of the federal actions - i.e., those of July 1, 1996, January 14, 1997 (change of address only), February 12, 1997, May 12, 1997, and June 13, 1997.

Summary List of Federal Actions Forming the Basis of the Board's Actions in this Docket

Revisions establishing that only those non-municipal non-hazardous waste disposal units that meet specific standards may receive CSQG hazardous wastes. (RCRA only)

Amendments to USEPA addresses. (RCRA only)

Amendments to segments of the rules that identify when conventional and chemical military munitions become hazardous waste under RCRA. (RCRA only)

Phase IV land disposal restriction amendments for hazardous waste generated from wood processing operations. (RCRA and UIC)

61 Fed. Reg. 34251 (July 1, 1996)

62 Fed. Reg. 1834 (January 14, 1997)

62 Fed. Reg. 6621 (February 12, 1997)

62 Fed. Reg. 25998 (May 12, 1997)

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62 Fed. Reg. 32452  
(June 13, 1997) Amendments to the hazardous waste testing and monitoring regulations. (RCRA only)

Specifically, the segment of the amendments of the broader R97-21/R98-3/R98-5 rulemaking that is involved in Part 703 implements segments of the February 12, 1997 federal military munitions rule. The Board has also used the opportunity of amendments to Part 703 to make a number of corrective amendments to the existing text of some provisions. Some of the corrections were requested by JCAR.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No. Although the existing text of Part 703 includes references to documents incorporated by reference in 35 Ill. Adm. Code 720.111, none of those references are under amendment in this segment of the R97-21/R98-3/R98-5 proceeding.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical in substance to mandates imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R97-21/R98-3/R98-5 and be addressed to:

Ms. Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order from Victoria Agyeman, at 312-814-3620.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit

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corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. The amendments involved in the R97-21/R98-3/R98-5 proceeding could affect the scope of affected entities to the extent a small business, small municipality, or not-for-profit corporation is involved in an activity involved in the amendments.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The amendments involved in the R97-21/R98-3/R98-5 proceeding could affect the burden of complying with the existing reporting, bookkeeping, or other procedures to the extent that an entity is involved in an activity involved in the amendments.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. The amendments involved in the R97-21/R98-3/R98-5 proceeding could affect the types of professional skills required for complying with the existing reporting, bookkeeping, or other procedures to the extent that an entity is involved in an activity involved in the amendments.

13) Regulatory agenda on which this rulemaking was summarized: July 1997 and January 1998

The full text of the Proposed Amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE G: WASTE DISPOSAL  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER b: PERMITS

PART 703  
RCRA PERMIT PROGRAM

SUBPART A: GENERAL PROVISIONS

Section  
703.100 Scope and Relation to Other Parts  
703.101 Purpose  
703.110 References

SUBPART B: PROHIBITIONS

Section  
703.120 Prohibitions in General  
703.121 RCRA Permits  
703.122 Specific Inclusions in Permit Program  
703.123 Specific Exclusions from Permit Program  
703.124 Discharges of Hazardous Waste  
703.125 Reapplications  
703.126 Initial Applications  
703.127 Federal Permits (Repealed)

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

Section  
703.140 Purpose and Scope  
703.141 Permits by Rule  
703.150 Application by Existing HWM Facilities and Interim Status  
Qualifications  
703.151 Application by New HWM Facilities  
703.152 Amended Part A Application  
703.153 Qualifying for Interim Status  
703.154 Prohibitions During Interim Status  
703.155 Changes During Interim Status  
703.156 Interim Status Standards  
703.157 Grounds for Termination of Interim Status  
703.158 Permits for Less Than an Entire Facility  
703.159 Closure by Removal  
703.160 Procedures for Closure Determination

SUBPART D: APPLICATIONS

Section

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Applications in General

703.180 Contents of Part A  
703.181 Contents of Part B  
703.182 General Information  
703.183 Facility Location Information  
703.184 Groundwater Protection Information  
703.185 Exposure Information  
703.186 Solid Waste Management Units  
703.187 Other Information  
703.188 Public Participation: Pre-Application Public Notice and Meeting  
703.191 Public Participation: Public Notice of Application  
703.192 Public Participation: Information Repository  
703.193 Specific Part B Application Information  
703.200 Containers  
703.201 Tank Systems  
703.202 Surface Impoundments  
703.203 Waste Piles  
703.204 Incinerators that Burn Hazardous Waste  
703.205 Land Treatment  
703.206 Landfills  
703.207 Boilers and Industrial Furnaces Burning Hazardous Waste  
703.208 Miscellaneous Units  
703.209 Process Vents  
703.210 Equipment  
703.211 Drip Pads  
703.212 Air Emission Controls for Tanks, Surface Impoundments, and Containers  
703.213

SUBPART E: SHORT TERM AND PHASED PERMITS

Section  
703.221 Emergency Permits  
703.222 Incinerator Conditions Prior to Trial Burn  
703.223 Incinerator Conditions During Trial Burn  
703.224 Incinerator Conditions After Trial Burn  
703.225 Trial Burns for Existing Incinerators  
703.226 Land Treatment Demonstration  
703.230 Research, Development and Demonstration Permits  
703.231 Permits for Boilers and Industrial Furnaces Burning Hazardous Waste  
703.232

SUBPART F: PERMIT CONDITIONS OR DENIAL

Section  
703.240 Permit Denial  
703.241 Establishing Permit Conditions  
703.242 Noncompliance Pursuant to Emergency Permit  
703.243 Monitoring  
703.244 Notice of Planned Changes (Repealed)  
703.245 Twenty-four Hour Reporting



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703.246 Reporting Requirements  
703.247 Anticipated Noncompliance  
703.248 Information Repository

SUBPART G: CHANGES TO PERMITS

Section  
703.260 Transfer  
703.270 Modification  
703.271 Causes for Modification  
703.272 Causes for Modification or Reissuance  
703.273 Facility Siting  
703.280 Permit Modification at the Request of the Permittee  
703.281 Class 1 Modifications  
703.282 Class 2 Modifications  
703.283 Class 3 Modifications

APPENDIX A Classification of Permit Modifications

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/22.4 and 27).

SOURCE: Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14289, effective October 12, 1983; amended in R83-24 at 8 Ill. Reg. 206, effective December 27, 1983; amended in R84-9 at 9 Ill. Reg. 11899, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1110, effective January 2, 1986; amended in R85-23 at 10 Ill. Reg. 13284, effective July 28, 1986; amended in R86-1 at 10 Ill. Reg. 14093, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20702, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6121, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13543, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19383, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2584, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13069, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 447, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18477, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6278, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14492, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9616, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14554, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9767, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5774, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20794, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6898, effective April 26, 1994; amended in R94-5 at 18 Ill. Reg. 12392, effective July 29, 1994; amended in R94-19 at 19 Ill. Reg. 18316, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9920, effective June 27, 1995; amended at R95-20 at 20 Ill. Reg. 11225, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 553, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7632, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

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SUBPART B: PROHIBITIONS

Section 703.124 Discharges of Hazardous Waste

- a) A person is not required to obtain a RCRA permit for treatment or containment activities taken during immediate response to any of the following situations:
- 1) A discharge of a hazardous waste;
  - 2) An imminent and substantial threat of a discharge of hazardous waste;
  - 3) A discharge of a material which, when discharged, becomes a hazardous waste; or
  - 4) An immediate threat to human health, public safety, property, or the environment from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosives or munitions emergency response specialist as defined in 35 Ill. Adm. Code 720.110.
- b) Any person who continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part for those activities.
- c) In the case of an emergency response involving military munitions, the responding military emergency response specialist's organizational unit shall retain records for three years after the date of the response that identify the following: the date of the response, the responsible persons responding, the type and description of material addressed, and the disposition of the material.

BOARD NOTE: Board-Note: Derived from See 40 CFR 270.1(c)(3) (1997).†

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

SUBPART D: APPLICATIONS

Section 703.213 Air Emission Controls for Tanks, Surface Impoundments, and Containers

Except as otherwise provided in 35 Ill. Adm. Code 724.101, owners and operators of tanks, surface impoundments, or containers that use air emission controls in accordance with the requirements of 35 Ill. Adm. Code 724. Subpart CC shall provide the following additional information:

- a) Documentation for each floating roof cover installed on a tank subject to 35 Ill. Adm. Code 724.984(d)(1) or (d)(2) that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the applicable design specifications, as listed in 35 Ill. Adm. Code 725.991(e)(1) or

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- (f)(1).
- b) Identification of each container area subject to the requirements of 35 Ill. Adm. Code 724.Subpart CC and certification by the owner or operator that the requirements of this Subpart are met.
- c) Documentation for each enclosure used to control air pollutant emissions from containers in accordance with the requirements of 35 Ill. Adm. Code 724.984(d)(5) or 724.986(e)(1)(ii) that includes records for the most recent set of calculations and measurements performed by the owner or operator to verify that the enclosure meets the criteria of a permanent total enclosure, as specified in "Procedure T--Criteria for and Verification of a Permanent B, Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111.
- d) Documentation for each floating membrane cover installed on a surface impoundment in accordance with the requirements of 35 Ill. Adm. Code 724.985(c) that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the specifications listed in 35 Ill. Adm. Code 724.985(c)(1).
- e) Documentation for each closed-vent system and control device installed in accordance with the requirements of 35 Ill. Adm. Code 724.987 that includes design and performance information, as specified in Section 703.124(c) and (d).
- f) An emission monitoring plan for both Method 21 in 40 CFR 60, appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, and control device monitoring methods. This plan must include the following information: monitoring points, monitoring methods for control devices, monitoring frequency, procedures for documenting exceedances, and procedures for mitigating noncompliances.
- g) When an owner or operator of a facility subject to 35 Ill. Adm. Code 725.Subpart CC cannot comply with 35 Ill. Adm. Code 724.Subpart CC by the date of permit issuance, the schedule of implementation required under 35 Ill. Adm. Code 725.982.

BOARD NOTE: Derived from 40 CFR 270.27(a) (1997) as amended at 61 Fed. Reg. 5996-5996-257-1996.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART E: SHORT TERM AND PHASED PERMITS

## Section 703.232 Permits for Boilers and Industrial Furnaces Burning Hazardous Waste

- a) General. Owners and operators of new boilers and industrial furnaces (those not operating under the interim status standards of 35 Ill. Adm. Code 726.203) are subject to subsections (b) through (f) of this Section. Boilers and industrial furnaces operating under

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- the interim status standards of 35 Ill. Adm. Code 726.203 are subject to subsection (g) of this Section.
- b) Permit operating periods for new boilers and industrial furnaces. A permit for a new boiler or industrial furnace must specify appropriate conditions for the following operating periods:
- 1) Pretrial burn period. For the period beginning with initial introduction of hazardous waste and ending with initiation of the trial burn, and only for the minimum time required to bring the boiler or industrial furnace to a point of operation readiness to conduct a trial burn, not to exceed 720 hours operating time when burning hazardous waste, the Agency shall establish permit conditions in the Pretrial Burn Period of the permit conditions, including but not limited to allowable hazardous waste feed rates and operating conditions. The Agency shall extend the duration of this operational period once, for up to 720 additional hours, at the request of the applicant when good cause is shown. The permit must be modified to reflect the extension according to Section 703.280 et seq.
- A) Applicants must submit a statement, with Part B of the permit application, that suggests the conditions necessary to operate in compliance with the standards of 35 Ill. Adm. Code 726.204 through 726.207 during this period. This statement should include, at a minimum, restrictions on the applicable operating requirements identified in 35 Ill. Adm. Code 726.202(e).
- B) The Agency shall review this statement and any other relevant information submitted with Part B of the permit application and specify requirements for this period sufficient to meet the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.
- 2) Trial burn period. For the duration of the trial burn, the Agency shall establish conditions in the permit for the purposes of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 and determining adequate operating conditions under 35 Ill. Adm. Code 726.202(e). Applicants shall propose a trial burn plan, prepared under subsection (c) of this Section, to be submitted with Part B of the permit application.
- 3) Post-trial burn period.
- A) For the period immediately following completion of the trial burn, and only for the minimum period sufficient to allow sample analysis, data competition and submission of the trial burn results by the applicant, and review of the trial burn results and modification of the facility permit by the Agency to reflect the trial burn results, the Agency shall establish the operating requirements most likely to ensure compliance with the performance standards of 35 Ill. Adm.



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Code 726.204 through 726.207 based on the Agency's engineering judgment.

B) Applicants shall submit a statement, with Part B of the application, that identifies the conditions necessary to operate during this period in compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207. This statement should include, at a minimum, restrictions on the operating requirements provided by 35 Ill. Adm. Code 726.202(e).

C) The Agency shall review this statement and any other relevant information submitted with Part B of the permit application and specify requirements of this period sufficient to meet the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 based on the Agency's engineering judgment.

4) Final permit period. For the final period of operation the Agency shall develop operating requirements in conformance with 35 Ill. Adm. Code 726.202(e) that reflect conditions in the trial burn plan and are likely to ensure compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207. Based on the trial burn results, the Agency shall make any necessary modifications to the operating requirements to ensure compliance with the performance standards. The permit modification must proceed according to Section 703.280 et seq.

c) Requirements for trial burn plans. The trial burn plan must include the following information. The Agency, in reviewing the trial burn plan, shall evaluate the sufficiency of the information provided and may require the applicant to supplement this information, if necessary, to achieve the purposes of this subsection.

1) An analysis of each feed stream, including hazardous waste, other fuels, and industrial furnace feed stocks, as fired, that includes:

A) Heating value, levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, silver, thallium, total chlorine/chloride, and ash; and

B) Viscosity or description of the physical form of the feed stream.

2) An analysis of each hazardous waste, as fired, including:

A) An identification of any hazardous organic constituents listed in 35 Ill. Adm. Code 721.Appendix H that are present in the feed stream, except that the applicant need not analyze for constituents listed in 721.Appendix H that would reasonably not be expected to be found in the hazardous waste. The constituents excluded from analysis must be identified and as the basis for this exclusion explained. The analysis must be conducted in accordance with analytical techniques specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", USEPA Publication

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SW-846, as incorporated by reference at 35 Ill. Adm. Code 720.111 and Section 703.110, or their equivalent.

B) An approximate quantification of the hazardous constituents identified in the hazardous waste, within the precision produced by the analytical methods specified in "Test Methods for the Evaluation of Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, as incorporated by reference at 35 Ill. Adm. Code 720.111 and Section 703.110, or other equivalent.

C) A description of blending procedures, if applicable, prior to firing the hazardous waste, including a detailed analysis of the hazardous waste prior to blending, ~~an analysis of the material--with--which the hazardous waste prior to blending~~ an analysis of the material with which the hazardous waste is blended, and blending ratios.

3) A detailed engineering description of the boiler or industrial furnace, including:

A) Manufacturer's name and model number of the boiler or industrial furnace;

B) Type of boiler or industrial furnace;

C) Maximum design capacity in appropriate units;

D) Description of the feed system for the hazardous waste and, as appropriate, other fuels and industrial furnace feedstocks;

E) Capacity of hazardous waste feed system;

F) Description of automatic hazardous waste feed cutoff system(s);

G) Description of any pollution control system; and

H) Description of stack gas monitoring and any pollution control monitoring systems.

4) A detailed description of sampling and monitoring procedures including sampling and monitoring locations in the systems, the equipment to be used, sampling and monitoring frequency, and sample analysis.

5) A detailed test schedule for each hazardous waste for which the trial burn is planned, including date(s), duration, quantity of hazardous waste to be burned, and other factors relevant to the Agency's decision under subsection (b)(2) of this Section.

6) A detailed test protocol, including, for each hazardous waste identified, the ranges of hazardous waste feed rate, and, as appropriate, the feed rates of other fuels and industrial furnace feedstocks, and any other relevant parameters that may affect the ability of the boiler or industrial furnace to meet the performance standards in 35 Ill. Adm. Code 726.204 through 726.207.

7) A description of and planned operating conditions for any emission control equipment that will be used.

8) Procedures for rapidly stopping the hazardous waste feed and



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- controlling emissions in the event of an equipment malfunction.
- 9) Such other information as the Agency finds necessary to determine whether to approve the trial burn plan in light of the purposes of this subsection and the criteria in subsection (b)(2) of this Section.
- d) Trial burn procedures.
- 1) A trial burn must be conducted to demonstrate conformance with the standards of 35 Ill. Adm. Code 726.104 through 726.107.
  - 2) The Agency shall approve a trial burn plan if the Agency finds that:
    - A) The trial burn is likely to determine whether the boiler or industrial furnace can meet the performance standards of 35 Ill. Adm. Code 726.104 through 726.107;
    - B) The trial burn itself will not present an imminent hazard to human health and the environment;
    - C) The trial burn will help the Agency to determine operating requirements to be specified under 35 Ill. Adm. Code 726.102(e); and
    - D) The information sought in the trial burn cannot reasonably be developed through other means.
  - 3) The Agency shall send a notice to all persons on the facility mailing list, as set forth in 35 Ill. Adm. Code 705.161(a), and to the appropriate units of State and local government, as set forth in 35 Ill. Adm. Code 705.163(a)(5), announcing the scheduled commencement and completion dates for the trial burn. The applicant may not commence the trial burn until after the Agency has issued such notice.
    - A) This notice must be mailed within a reasonable time period before the trial burn. An additional notice is not required if the trial burn is delayed due to circumstances beyond the control of the facility or the Agency.
    - B) This notice must contain:
      - i) The name and telephone number of applicant's contact person;
      - ii) The name and telephone number of the Agency regional office appropriate for the facility;
      - iii) The location where the approved trial burn plan and any supporting documents can be reviewed and copied; and
      - iv) An expected time period for commencement and completion of the trial burn.
  - 4) The applicant shall submit to the Agency a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and submit the results of all the determinations required in subsection (c) of this Section. The Agency shall, in the trial burn plan, require that the submission be made within 90 days after completion of the trial burn, or later if the Agency determines that a later date is acceptable.

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- 5) All data collected during any trial burn must be submitted to the Agency following completion of the trial burn.
- 6) All submissions required by this subsection must be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under 35 Ill. Adm. Code 702.126.
- e) Special procedures for DRE trial burns. When a DRE trial burn is required under 35 Ill. Adm. Code 726.104, the Agency shall specify (based on the hazardous waste analysis data and other information in the trial burn plan) as trial Principal Organic Hazardous Constituents (POHCs) those compounds for which destruction and removal efficiencies must be calculated during the trial burn. These trial POHCs will be specified by the Agency based on information including the Agency's estimate of the difficulty of destroying the constituents identified in the hazardous waste analysis, their concentrations or mass in the hazardous waste feed, and, for hazardous waste containing or derived from wastes listed in 35 Ill. Adm. Code 721.Subpart D, the hazardous waste organic constituent(s) identified in 35 Ill. Adm. Code 721.Appendix G as the basis for listing.
- f) Determinations based on trial burn. During each approved trial burn (or as soon after the burn as is practicable), the applicant shall make the following determinations:
  - 1) A quantitative analysis of the levels of antimony, arsenic, barium, beryllium, cadmium, chromium, lead, mercury, thallium, silver, and chlorine/chloride in the feed streams (hazardous waste, other fuels, and industrial furnace feedstocks);
  - 2) When a DRE trial burn is required under 35 Ill. Adm. Code 726.204(a):
    - A) A quantitative analysis of the trial POHCs in the hazardous waste feed;
    - B) A quantitative analysis of the stack gas for the concentration and mass emissions of the trial POHCs; and
    - C) A computation of destruction and removal efficiency (DRE), in accordance with the DRE formula specified in 35 Ill. Adm. Code 726.204(a)1f.
- 3) When a trial burn for chlorinated dioxins and furans is required under 35 Ill. Adm. Code 726.204(e), a quantitative analysis of the stack gas for the concentration and mass emission rate of the 2,3,7,8-chlorinated tetra- through octa-congeners of chlorinated dibenzo-p-dioxins and furans, and a computation showing conformance with the emission standard.
- 4) When a trial burn for PM, metals, or HCl/Chlorine gas is required under 35 Ill. Adm. Code 726.205, 726.206(c) or (d), or 726.207(b)(2) or (c), a quantitative analysis of the stack gas for the concentrations and mass emissions of PM, metals, or HCl for the concentrations and mass emissions of PM, metals, or HCl and chlorine gas and computations showing conformance with the applicable emission performance standards:
  - 5) When a trial burn for DRE, metals, and HCl/Chlorine gas is

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required under 35 Ill. Adm. Code 726.204(a), 726.206(c) or (d), or 726.207(b)(2) or (c), a quantitative analysis of the scrubber water (if any), ash residues, other residues, and products for the purpose of estimating the fate of the trial POHCs, metals, and chlorine/chloride;

- 6) An identification of sources of fugitive emissions and their means of control;
- 7) A continuous measurement of carbon monoxide (CO), oxygen, and, where required hydrocarbons (HC), in the stack gas; and
- 8) Such other information as the Agency specifies as necessary to ensure that the trial burn will determine compliance with the performance standards 35 Ill. Adm. Code 726.204 through 726.207 and to establish the operating conditions required by 35 Ill. Adm. Code 726.204 through 726.207 and of determining adequate operating conditions under 35 Ill. Adm. Code 726.203, and to establish the operating conditions required by 35 Ill. Adm. Code 726.202(e) as necessary to meet those performance standards.

9) Interim status boilers and industrial furnaces. For the purpose of determining feasibility of compliance with the performance standards of 35 Ill. Adm. Code 726.204 through 726.207 and of determining adequate operating conditions under 35 Ill. Adm. Code 726.203, applicants owning or operating existing boilers or industrial furnaces operated under the interim status standards of 35 Ill. Adm. Code 726.203 shall either prepare and submit a trial burn plan and perform a trial burn in accordance with the requirements of the Section or submit other information as specified in Section 703.208(a)(6). The Agency shall announce its intention to approve of the trial burn plan in accordance with the timing and distribution requirements of subsection (d)(3) of this Section. The contents of the notice must include: the name and telephone number of a contact person at the facility; the name and telephone number of Agency regional office appropriate for the facility; the location where the trial burn plan and any supporting documents can be reviewed and copied; and a schedule of the activities that are required prior to permit issuance, including the anticipated time schedule for agency approval of the plan and the time periods during which the trial burn would be conducted. Applicants that submit a trial burn plan and receive approval before submission of the Part B permit application shall complete the trial burn and submit the results specified in subsection (f) of this Section with the Part B permit application. If completion of this process conflicts with the date set for submission of the Part B application, the applicant shall contact the Agency to establish a later date for submission of the Part B application or the trial burn results. If the applicant submits a trial burn plan with Part B of the permit application, the trial burn must be conducted and the results submitted within a time period prior to permit issuance to be specified by the Agency.

BOARD NOTE: Derived from 40 CFR 270.66 (1996).

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(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART G: CHANGES TO PERMITS

## Section 703.280 Permit Modification at the Request of the Permittee

- a) Class 1 modifications. See Section 703.281.
- b) Class 2 modifications. See Section 703.282.
- c) Class 3 modifications. See Section 703.283.
- d) Other modifications.

1) In the case of modifications not explicitly listed in Appendix A, the permittee may submit a Class 3 modification request to the Agency, or the permittee may request a determination by the Agency that the modification be reviewed and approved as a Class 1 or Class 2 modification. If the permittee requests that the modification be classified as a Class 1 or 2 modification, the permittee shall provide the Agency with the necessary information to support the requested classification.

2) The Agency shall make the determination described in subsection (d)(1), above, as promptly as practicable. In determining the appropriate class for a specific modification, the Agency shall consider the similarity of the modification to other modifications codified in Appendix A and the following criteria:

A) Class 1 modifications modification apply to minor changes that keep the permit current with routine changes to the facility or its operation. These changes do not substantially alter the permit conditions or reduce the capacity of the facility to protect human health or the environment. In the case of Class 1 modifications, the Agency may require prior approval.

B) Class 2 modifications apply to changes that are necessary to enable a permittee to respond, in a timely manner, to:

- i) Common variations in the types and quantities of the wastes managed under the facility permit,
- ii) Technological advances, and
- iii) Changes necessary to comply with new regulations, where these changes can be implemented without substantially changing design specifications or management practices in the permit.

C) Class 3 modifications substantially alter the facility or its operation.

e) Temporary authorizations.

- 1) Upon request of the permittee, the Agency shall, without prior public notice and comment, grant the permittee a temporary authorization in accordance with this subsection. Temporary authorizations have a term of not more than 180 days.
- 2) Procedures.



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- A) The permittee may request a temporary authorization for:
- Any Class 2 modification meeting the criteria in subsection (e)(3)(B), below; and
  - Any Class 3 modification that meets the criteria in subsection (e)(3)(B)(i), below; or that meets the criteria in subsection (e)(3)(B)(iii) through (v), below, and provides improved management or treatment of a hazardous waste already listed in the facility permit.
- B) The temporary authorization request must include:
- A description of the activities to be conducted under the temporary authorization;
  - An explanation of why the temporary authorization is necessary; and
  - Sufficient information to ensure compliance with 35 Ill. Adm. Code 724 standards.
- C) The permittee shall send a notice about the temporary authorization request to all persons on the facility mailing list maintained by the Agency and to appropriate units of State and local governments as specified in 35 Ill. Adm. Code 705.163(a)(5). This notification must be made within seven days after submission of the authorization request.
- 3) The Agency shall approve or deny the temporary authorization as quickly as practical. To issue a temporary authorization, the Agency shall find:
- The authorized activities are in compliance with the standards of 35 Ill. Adm. Code 724.
  - The temporary authorization is necessary to achieve one of the following objectives before action is likely to be taken on a modification request:
    - To facilitate timely implementation of closure or corrective action activities;
    - To allow treatment or storage in tanks, containers or in containment buildings in accordance with 35 Ill. Adm. Code 728;
    - To prevent disruption of ongoing waste management activities;
    - To enable the permittee to respond to sudden changes in the types or quantities of the wastes managed under the facility permit; or
    - To facilitate other changes to protect human health and the environment.
  - A temporary authorization shall be reissued for one additional term of up to 180 days provided that the permittee has requested a Class 2 or 3 permit modification for the activity covered in the temporary authorization, and:
    - The reissued temporary authorization constitutes the Agency's decision on a Class 2 permit modification in

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- accordance with Section 703.282(f)(1)(D) or (f)(2)(D), or
- B) The Agency determines that the reissued temporary authorization involving a Class 3 permit modification request is warranted to allow the authorized activities to continue while the modification procedures of 35 Ill. Adm. Code 703.283 are conducted.
- f) Public notice and appeals of permit modification decisions.
- The Agency shall notify persons on the facility mailing list and appropriate units of State and local government within 10 days of any decision to grant or deny a Class 2 or 3 permit modification request. The Agency shall also notify such persons within 10 days after an automatic authorization for a Class 2 modification goes into effect under Section 703.282(f)(3) or (f)(5).
  - The Agency's decision to grant or deny or Class 2 or 3 permit modification request may be appealed under the permit appeal procedures of 35 Ill. Adm. Code 705.212.
  - An automatic authorization that goes into effect under Section 703.282(f)(3) or (f)(5) may be appealed under the permit appeal procedures of 35 Ill. Adm. Code 705.212; however, the permittee may continue to conduct the activities pursuant to the automatic authorization until the Board enters a final order on the appeal, notwithstanding the provisions of 35 Ill. Adm. Code 705.204.
  - Newly regulated wastes and units.
    - The permittee is authorized to continue to manage wastes listed or identified as hazardous under 35 Ill. Adm. Code 721, or to continue to manage hazardous waste in units newly regulated as hazardous waste management units, if:
      - The unit was in existence as a hazardous waste facility with respect to the newly listed or characterized waste or newly regulated waste management unit on the effective date of the final rule listing or identifying the waste, or regulating the unit;
      - The permittee submits a Class 1 modification request on or before the date on which the waste becomes subject to the new requirements;
      - The permittee is in compliance with the applicable standards of 35 Ill. Adm. Code 725 and 726;
      - The permittee also submits a complete class 2 or 3 modification request within 180 days after the effective date of the rule listing or identifying the waste, or subjecting the unit to management standards under 35 Ill. Adm. Code 724, 725 or 726; and
      - In the case of land disposal units, the permittee certifies that such unit is in compliance with all applicable requirements of 35 Ill. Adm. Code 725 for groundwater monitoring and financial responsibility requirements on the date 12 months after the effective date of the rule identifying or listing the waste as hazardous, or regulating



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the unit as a hazardous waste management unit. If the owner or operator fails to certify compliance with all these requirements, the owner or operator loses authority to operate under this Section.

- 2) New wastes or units added to a facility's permit under this subsection do not constitute expansions for the purpose of the 25 percent capacity expansion limit for Class 2 modifications.

- b) Military hazardous waste munitions treatment and disposal. The permittee is authorized to continue to accept waste military munitions, notwithstanding any permit conditions barring the permittee from accepting off-site wastes, if:

1) The facility was in existence as a hazardous waste facility and the facility was already permitted to handle the waste military munitions on the date when the waste military munitions became subject to hazardous waste regulatory requirements;

2) On or before the date when the waste military munitions become subject to hazardous waste regulatory requirements, the permittee submits a Class 1 modification request to remove or amend the permit provision restricting the receipt of off-site waste munitions; and

3) The permittee submits a complete Class 2 modification request within 180 days after the date when the waste military munitions became subject to hazardous waste regulatory requirements.

- ih) Permit modification list. The Agency shall maintain a list of all approved permit modifications and shall publish a notice once a year in a State-wide newspaper that an updated list is available for review.

BOARD NOTE board-note: Derived from 40 CFR 270.42(d) through (i) thru (19971998) ~~7-as-amended-at-56-Fed-Reg-72067-February-217-19917-and-at-56-Fed-Reg-326887-July-177-1991.~~

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Standards Applicable to Generators of Hazardous Waste

- 2) Code citation: 35 Ill. Adm. Code 722

- 3) Section numbers:  
722.110  
722.120  
722.158  
722.180  
722.184  
722.187  
722.Appendix A  
Proposed action:  
Amendment  
Amendment  
Amendment  
Amendment  
Amendment

- 4) Statutory authority: 415 ILCS 5/22.4 and 27

- 5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's proposed opinion of May 21, 1998, in R97-21/R98-3/R98-5 (consolidated), which opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Sections 5-35 and 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Sections 5-35 and 40 of the IAPA, it is not subject to first notice or to second notice review by JCAR.

The R97-21/R98-3/R98-5 proceeding updates Parts 703, 720, 721, 722, 723, 724, 725, 726, 728, and 738 of the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the periods July 1, 1996 through December 31, 1996 (docket R97-21) and January 1, 1997 through June 30, 1997 (docket R98-5). It further updates the Illinois underground injection control (UIC) rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period January 1, 1997 through June 30, 1997 (docket R98-3). During this period, USEPA amended its regulations as follows:

Docket R97-21: July 1, 1996 through December 31, 1996  
RCRA Subtitle C Amendments

61 Fed. Reg. 34251  
(July 1, 1996)

USEPA adopted revisions establishing that only those nonmunicipal non-hazardous waste disposal units that meet specific standards may receive conditionally exempt small quantity generator (CESQG) hazardous wastes.

61 Fed. Reg. 36419  
(July 10, 1996)

USEPA corrected typographic errors in certain of the April 8, 1996 Phase III land disposal restriction (LDR) amendments.

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61 Fed. Reg. 40520  
(August 5, 1996)

USEPA authorized additional segments of the Illinois RCRA Subtitle C hazardous waste program.

61 Fed. Reg. 43927  
(August 26, 1996)

USEPA adopted emergency amendments to the April 8, 1996, Phase III land disposal restrictions (LDR) treatment standards for carbamate wastes due to analytical problems with those wastes.

61 Fed. Reg. 56631  
(November 4, 1996)

USEPA published a correction to the text of its rules in the Code of Federal Regulations (40 CFR 266.100(c)(3)(i)) due to the fact that segments were missing from the text.

61 Fed. Reg. 59931  
(November 25, 1996)

USEPA adopted "final" organic air emission standards for tanks, surface impoundments, and containers (the "Subpart CC" rules).

Docket R98-3: January 1, 1997 through June 30, 1997

UIC Amendments

62 Fed. Reg. 1834  
(January 14, 1997)

USEPA amended the addresses for its Region V headquarters.

62 Fed. Reg. 25998  
(May 12, 1997)

USEPA adopted the Phase IV land disposal restriction amendments for hazardous waste generated from wood processing operations.

Docket R98-5: January 1, 1997 through June 30, 1997  
RCRA Subtitle C Amendments

62 Fed. Reg. 1678  
(January 13, 1997)

USEPA changed the name and ownership of Envirote Corp. in a hazardous waste delisting.

62 Fed. Reg. 1834  
(January 14, 1997)

USEPA amended the addresses for its Region V headquarters.

62 Fed. Reg. 1991  
(January 14, 1997)

USEPA extended the national capacity variance for spent potliners from primary aluminum production (K088 waste) for 6 months.

62 Fed. Reg. 6621  
(February 12, 1997)

USEPA amended various parts of the rules to identify when conventional and chemical military munitions become hazardous waste under RCRA.

62 Fed. Reg. 7502  
(February 19, 1997)

USEPA adopted technical amendments to the tables in the Phase III land disposal restriction rule.

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62 Fed. Reg. 25998  
(May 12, 1997)

USEPA adopted the Phase IV land disposal restriction amendments for hazardous waste generated from wood processing operations.

62 Fed. Reg. 32452  
(June 13, 1997)

USEPA adopted amendments to the hazardous waste testing and monitoring regulations.

62 Fed. Reg. 32974  
(June 17, 1997)

USEPA adopted amendments to hazardous waste regulations regarding delisting of carbamate waste as hazardous under RCRA.

The Board will not need to take action based on the federal actions of July 10, 1996, August 26, 1996, November 25, 1996, January 13, 1997, January 14, 1997 (K088 waste only), February 19, 1997, and June 17, 1997, since we took action in prior actions. No action will be required of the Board on the August 5, 1996 federal authorization of additional elements of the Illinois RCRA Subtitle C hazardous waste program and the Code of Federal Regulations correction of November 4, 1996.

The Board will need to act with regard to the rest of the federal actions - i.e., those of July 1, 1996, January 14, 1997 (change of address only), February 12, 1997, May 12, 1997, and June 13, 1997.

Summary List of Federal Actions Forming the Basis  
of the Board's Actions in this Docket

61 Fed. Reg. 34251  
(July 1, 1996)

Revisions establishing that only those non-municipal non-hazardous waste disposal units that meet specific standards may receive CESQG hazardous wastes. (RCRA only)

62 Fed. Reg. 1834  
(January 14, 1997)

Amendments to USEPA addresses. (RCRA only)

62 Fed. Reg. 6621  
(February 12, 1997)

Amendments to segments of the rules that identify when conventional and chemical military munitions become hazardous waste under RCRA. (RCRA only)

62 Fed. Reg. 25998  
(May 12, 1997)

Phase IV land disposal restriction amendments for hazardous waste generated from wood processing operations. (RCRA and UIC)

62 Fed. Reg. 32452  
(June 13, 1997)

Amendments to the hazardous waste testing and monitoring regulations. (RCRA only)

Specifically, the segment of the amendments of the broader R97-21/R98-3/R98-5 rulemaking that is involved in Part 722 implements segments of the federal February 12, 1997 military munitions rule. The Board has also used the opportunity of amendments to Part 722 to make a

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number of corrective amendments to the existing text of some provisions. Some of the corrections were requested by JCAR.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? Yes. The existing text of Part 722 includes references to documents incorporated by reference in 35 Ill. Adm. Code 720.111. One of those references are under amendment in this segment of the R97-21/R98-3/R98-5 proceeding. Other references remain unaffected.
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical in substance to mandates imposed by federal law.

- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R97-21/R98-3/R98-5 and be addressed to:

Ms. Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order from Victoria Agyeman, at 312-814-3620.

- 12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. The amendments involved in the R97-21/R98-3/R98-5 proceeding could affect the scope of affected entities to the extent a small business, small municipality, or not-for-profit corporation is involved in an activity involved in the amendments.

B) Reporting, bookkeeping or other procedures required for compliance:

## POLLUTION CONTROL BOARD

The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The amendments involved in the R97-21/R98-3/R98-5 proceeding could affect the burden of complying with the existing reporting, bookkeeping, or other procedures to the extent that an entity is involved in an activity involved in the amendments.

- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. The amendments involved in the R97-21/R98-3/R98-5 proceeding could affect the types of professional skills required for complying with the existing reporting, bookkeeping, or other procedures to the extent that an entity is involved in an activity involved in the amendments.

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1997 and January 1998

The full text of the proposed amendments begins on the next page:



POLLUTION CONTROL BOARD

722.154 Special Manifest Requirements  
 722.155 Exception Report  
 722.156 Annual Reports  
 722.157 Recordkeeping  
 722.158 International Agreements

SUBPART F: IMPORTS OF HAZARDOUS WASTE

Section  
 722.160 Imports of Hazardous Waste

SUBPART G: FARMERS

Section  
 722.170 Farmers

SUBPART H: TRANSFRONTIER SHIPMENTS OF HAZARDOUS WASTE FOR RECOVERY WITHIN THE OECD

Section  
 722.180 Applicability  
 722.181 Definitions  
 722.182 General Conditions  
 722.183 Notification and Consent  
 722.184 Tracking Document  
 722.185 Contracts  
 722.186 Provisions Relating to Recognized Traders  
 722.187 Reporting and Recordkeeping  
 722.189 OECD Waste Lists

APPENDIX A Hazardous Waste Manifest

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R84-9 at 9 Ill. Reg. 11950, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1131, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14112, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20709, effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13555, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19392, effective November 12, 1987; amended in R88-16 at 13 Ill. Reg. 452, 13129, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18523, effective December 27, 1988; amended in R90-10 at 14 Ill. Reg. 16653, effective September 13, 1989; amended in R90-11 at 15 Ill. Reg. 9644, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14562, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in 92-1 at 16 Ill.

POLLUTION CONTROL BOARD

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 722

STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

SUBPART A: GENERAL

Purpose, Scope and Applicability  
 Hazardous Waste Determination  
 USEPA Identification Numbers

SUBPART B: THE MANIFEST

General Requirements  
 Acquisition of Manifests  
 Number of Copies  
 Use of the Manifest

SUBPART C: PRE-TRANSPORT REQUIREMENTS

Packaging  
 Labeling  
 Marking  
 Placarding  
 Accumulation Time

SUBPART D: RECORDKEEPING AND REPORTING

Recordkeeping  
 Annual Reporting  
 Exception Reporting  
 Additional Reporting  
 Special Requirements for Generators of between 100 and 1000 kilograms per month

SUBPART E: EXPORTS OF HAZARDOUS WASTE

Applicability  
 Definitions  
 General Requirements  
 Notification of Intent to Export

Section  
 722.110  
 722.111  
 722.112

Section  
 722.120  
 722.121  
 722.122  
 722.123

Section  
 722.130  
 722.131  
 722.132  
 722.133  
 722.134

Section  
 722.140  
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Section  
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## POLLUTION CONTROL BOARD

Reg. 17696, effective November 6, 1992; amended in R93-4 at 17 Ill. Reg. 20822, effective November 22, 1993; amended in R95-6 at 19 Ill. Reg. 9935, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11236, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 603, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL

## Section 722.110 Purpose, Scope and Applicability

- a) These regulations establish standards for generators of hazardous waste.
- b) 35 Ill. Adm. Code 721.105(c) and (d) must be used to determine the applicability of provisions of this part that are dependent on calculations of the quantity of hazardous waste generated per month.
- c) A generator that treats, stores or disposes of hazardous waste on-site must only comply with the following Sections of this Part with respect to that waste: Section 722.111 for determining whether or not the generator has a hazardous waste, Section 722.112 for obtaining an USEPA identification number, Section 722.140(c) and (d) for recordkeeping, Section 722.143 for additional reporting and, if applicable, Section 722.170 for farmers.
- d) Any person that exports or imports hazardous waste subject to the hazardous waste manifesting requirements of this Part or subject to the universal waste management standards of 35 Ill. Adm. Code 733 to or from countries listed in Section 722.158(a)(1) for recovery must comply with Subpart H of this Part.
- e) This subsection corresponds with 40 CFR 262.10(e), a federal provision imposing the generator standards on a person importing hazardous waste into the United States. The regulation of international trade is a matter within the exclusive authority of the federal government. This statement maintains structural consistency with USEPA rules.
- fe) A farmer that generates waste pesticides which are hazardous waste and that complies with all of the requirements of Section 722.170 722-151 is not required to comply with other standards in this Part, or 35 Ill. Adm. Code 702, 703, 724, 725 or 728 with respect to such pesticides.
- gf) A person that generates a hazardous waste as defined by 35 Ill. Adm. Code 721 is subject to the compliance requirements and penalties prescribed in Title VIII and XII of the Environmental Protection Act if he does not comply with the requirements of this Part.
- hg) An owner or operator that initiates a shipment of hazardous waste from a treatment, storage or disposal facility must comply with the generator standards established in this Part.
- i) A person responding to an explosive or munitions emergency in accordance with 35 Ill. Adm. Code 724.101(g)(8)(A)(iv) or (g)(8)(D) or 35 Ill. Adm. Code 725.101(g)(8)(A)(iv) or (g)(8)(D) and 35 Ill. Adm. Code 703.121(c)(3)(A)(iv) or (c)(3)(C) is not required to comply with the standards of this Part.

## POLLUTION CONTROL BOARD

BOARD NOTE: The provisions of Section 722.134 are applicable to the on-site accumulation of hazardous waste by generators. Therefore, the provisions of Section 722.134 only apply to owners or operators that are shipping hazardous waste which they generated at that facility. A generator that treats, stores or disposes of hazardous waste on-site must comply with the applicable standards and permit requirements set forth in 35 Ill. Adm. Code 702, 703, 724, 725, 726 and 728.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_, )

## SUBPART B: THE MANIFEST

## Section 722.120 General Requirements

- a) A generator who transports, or offers for transportation, hazardous waste for offsite treatment, storage or disposal must prepare a manifest before transporting the waste off-site.
- b) A generator must designate on the manifest one facility which is permitted to handle the waste described on the manifest.
- c) A generator may also designate on the manifest one alternate facility which is permitted to handle his waste in the event an emergency prevents delivery of the waste to the primary designated facility.
- d) If the transporter is unable to deliver the hazardous waste to the designated facility or the alternate facility, the generator must either designate another facility or instruct the transporter to return the waste.
- e) The requirements of this Subpart do not apply to hazardous waste produced by generators of greater than 100 kg but less than 1000 kg in a calendar month where:
  - 1) The waste is reclaimed under a contractual agreement pursuant to which:
    - A) The type of waste and frequency of shipments are specified in the agreement;
    - B) The vehicle used to transport the waste to the recycling facility and to deliver regenerated material back to the generator is owned and operated by the reclaimer of the waste; and
  - 2) The generator maintains a copy of the reclamation agreement in his files for a period of at least three years after termination or expiration of the agreement.
- f) The requirements of this Subpart B and Section 722.132(b) do not apply to the transport of hazardous wastes on a public or private right-of-way within or along the border of contiguous property under the control of the same person, even if such contiguous property is divided by a public or private right-of-way. Notwithstanding 35 Ill. Adm. Code 723.110(a), the generator or transporter shall comply with the requirements for transporters set forth in 35 Ill. Adm. Code 723.130 and 723.131 in the event of a discharge of hazardous waste on a public or private right-of-way.

POLLUTION CONTROL BOARD

Subchapter and any notifier duties under this Subpart, as applicable.  
(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 722.184 Tracking Document

- a) All U.S. parties subject to the contract provisions of Section 722.185 must ensure that a tracking document meeting the conditions of subsection (b) of this Section accompanies each transfrontier shipment of wastes subject to amber-list or red-list controls from the initiation of the shipment until it reaches the final recovery facility, including cases in which the waste is stored or exchanged by the consignee prior to shipment to the final recovery facility, except as provided in this subsection. (a) Section-262-184fa1f11-and-fa1f27.
- 1) For shipments of hazardous waste within the U.S. solely by water (bulk shipments only), the generator must forward the tracking document with the manifest to the last water (bulk shipment) transporter to handle the waste in the U.S. if exported by water (in accordance with the manifest routing procedures at Section 722.123(c)).
- 2) For rail shipments of hazardous waste within the U.S. which originate at the site of generation, the generator must forward the tracking document with the manifest (in accordance with the routing procedures for the manifest in Section 722.123(d)) to the next non-rail transporter, if any, or the last rail transporter to handle the waste in the U.S. if exported by rail.
- b) The tracking document must include all information required under Section 722.183 (for notification) and the following:
- 1) The date shipment commenced;
- 2) The name (if not notifier), address, and telephone and telefax numbers of primary exporter;
- 3) The company name and USEPA identification number of all transporters;
- 4) Identification (license, registered name or registration number) of means of transport, including types of packaging;
- 5) Any special precautions to be taken by transporters;
- 6) A certification or declaration signed by notifier that no objection to the shipment has been lodged as follows: "I certify that the above information is complete and correct to the best of my knowledge. I also certify that legally-enforceable written contractual obligations have been entered into, that any applicable insurance or other financial guarantees are or shall be in force covering the transfrontier movement, and that:"
- "1. All necessary consents have been received;" OR
- "2. The shipment is directed at a recovery facility within the OECD area and no objection has been received from any of the concerned countries within the 30 day tacit consent period;"
- OR
- "3. The shipment is directed at a recovery facility

POLLUTION CONTROL BOARD

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART E: EXPORTS OF HAZARDOUS WASTE

Section 722.158 International Agreements

- a) Any person that exports or imports hazardous waste subject to either the manifest requirements of this Part or the universal waste management standards of 35 Ill. Adm. Code 733 which is shipped to or from designated member countries of the Organization for Economic Cooperation and Development (OECD), as defined in subsection (a)(1) of this Section, for purposes of recovery is subject to the requirements of 722 Subpart H of this Part. The requirements of Subparts E and F of this Part do not apply where 722-Subpart H of this Part applies.
- 1) For the purposes of this Subpart, the designated OECD countries are Australia, Austria, Belgium, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Switzerland, Turkey, the United Kingdom, and the United States.
- 2) Only for the purposes of transit under this Subpart, Canada and Mexico are considered OECD member countries.
- b) Any person that exports hazardous waste to or imports hazardous waste from any designated OECD member country for purposes other than recovery (e.g., incineration, disposal), Mexico (for any purpose), or Canada (for any purpose) remains subject to the requirements of Subparts E and F of this Part.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART H: TRANSFRONTIER SHIPMENTS OF HAZARDOUS WASTE FOR RECOVERY WITHIN THE OECD

Section 722.180 Applicability

- a) The requirements of this Subpart apply to imports and exports of wastes that are considered hazardous under U.S. national procedures and which are destined for recovery operations in any of the countries listed in Section 722.158(a)(1). A waste is considered hazardous under U.S. national procedures if it meets the definition of hazardous waste in 35 Ill. Adm. Code 721.103 and it is subject to either the manifesting requirements in Subpart B of this Part or 7 to the universal waste management standards of 35 Ill. Adm. Code 733.
- b) Any person (notifier, consignee, or recovery facility operator) that mixes two or more wastes (including hazardous and non-hazardous wastes) or otherwise subjects two or more wastes (including hazardous and non-hazardous wastes) to physical or chemical transformation operations, and thereby creates a new hazardous waste, becomes a generator and assumes all subsequent generator duties under this



## POLLUTION CONTROL BOARD

pre-authorized for that type of waste within the OECD area, such an authorization has not been revoked, and no objection has been received from any of the concerned countries." (delete sentences that are not applicable)

"Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_, and \_\_\_\_\_

- 7) The appropriate signatures for each custody transfer (e.g., transporter, consignee, and owner or operator of the recovery facility).
- c) Notifiers also must comply with the special manifest requirements of Section 722.154(a), (b), (c), (e), and (i) and consignees must comply with the import requirements of Subpart F of this Part.
- d) Each U.S. person that has physical custody of the waste from the time the movement commences until it arrives at the recovery facility must sign the tracking document (e.g., transporter, consignee, and owner or operator of the recovery facility).
- e) Within three working days after the receipt of imports subject to this Subpart, the owner or operator of the U.S. recovery facility must send signed copies of the tracking document to the notifier, to the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), Environmental Protection Agency, 401 M St., SW, Washington, DC 20460, and to the competent authorities of the exporting and transit countries.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 722.187 Reporting and Recordkeeping

- a) Annual reports. For all waste movements subject to this Subpart, persons (e.g., notifiers, recognized traders) that meet the definition of primary exporter in Section 722.151 shall file an annual report with the Office of Enforcement and Compliance Assurance, Office of Compliance, Enforcement Planning, Targeting and Data Division (2222A), U.S. Environmental Protection Agency, 401 M St., SW, Washington, DC 20460 and the Illinois Environmental Protection Agency, Bureau of Land, Division of Land Pollution Control, P.O. Box 19276, Springfield, IL 62794 62766-9276, no later than March 1 of each year summarizing the types, quantities, frequency, and ultimate destination of all such hazardous waste exported during the previous calendar year. (If the primary exporter is required to file an annual report for waste exports that are not covered under this Subpart, the person filing may include all export information in one report provided the following information on exports of waste destined for recovery within the

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designated OECD member countries is contained in a separate Section). Such reports shall include the following information:

- 1) The USEPA identification number, name, and mailing and site address of the notifier filing the report;
  - 2) The calendar year covered by the report;
  - 3) The name and site address of each final recovery facility;
  - 4) By final recovery facility, for each hazardous waste exported, a description of the hazardous waste, the USEPA hazardous waste number (from 35 Ill. Adm. Code 721.Subpart C or 721.Subpart D), the designation of waste type(s) from the OECD waste list and applicable waste code from the OECD lists, DOT hazard class, the name and USEPA identification number (where applicable) for each transporter used, the total amount of hazardous waste shipped pursuant to this Subpart, and number of shipments pursuant to each notification;
  - 5) In even numbered years, for each hazardous waste exported, except for hazardous waste produced by exporters of greater than 100 kilograms (kg) but less than 1000 kg in a calendar month, and except for hazardous waste for which information was already provided pursuant to Section 722.141:
    - A) A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated; and
    - B) A description of the changes in volume and toxicity of the waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984; and
  - 6) A certification signed by the person acting as primary exporter that states as follows:
 

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine and imprisonment."

    - b) Exception reports. Any person that meets the definition of primary exporter in Section 722.151 shall file with USEPA and the Agency an exception report in lieu of the requirements of Section 722.142 if any of the following occurs:
      - 1) The person has not received a copy of the tracking documentation signed by the transporter stating point of departure of the waste from the United States within 45 days from the date it was accepted by the initial transporter;
      - 2) Within 90 days from the date the waste was accepted by the initial transporter, the notifier has not received written confirmation from the recovery facility that the hazardous waste was received; or
      - 3) The waste is returned to the United States.
- c) Recordkeeping.

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Section 722. APPENDIX A Hazardous Waste Manifest

The Board incorporates by reference 40 CFR 262, Appendix (1997+1988)7-as-amended at--53--Ped:--Reg:--450907--November--07-1988. This Part incorporates no later amendments or editions. The Agency shall prepare manifest forms based on 40 CFR 262, Appendix, with such changes as are necessary under Illinois law.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

POLLUTION CONTROL BOARD

1) Persons that meet the definition of primary exporter in Section 722.151 shall keep the following records:

- A) A copy of each notification of intent to export and all written consents obtained from the competent authorities of concerned countries, for a period of at least three years from the date the hazardous waste was accepted by the initial transporter;
  - B) A copy of each annual report, for a period of at least three years from the due date of the report; and
  - C) A copy of any exception reports and a copy of each confirmation of delivery (i.e., tracking documentation) sent by the recovery facility to the notifier, for at least three years from the date the hazardous waste was accepted by the initial transporter or received by the recovery facility, whichever is applicable.
- 2) The periods of retention referred to in this Section are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by USEPA or the Agency.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Standards Applicable to Transporters of Hazardous Waste
- 2) Code citation: 35 Ill. Adm. Code 723
- 3) Section numbers: 723.110  
Proposed action: Amendment
- 4) Statutory authority: 415 ILCS 5/22.4 and 27.
- 5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's proposed opinion of May 21, 1998, in R97-21/R98-3/R98-5 (consolidated), which opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Sections 5-35 and 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Sections 5-35 and 5-40 of the IAPA, it is not subject to first notice or to second notice review by JCAR.

The R97-21/R98-3/R98-5 proceeding updates Parts 703, 720, 721, 722, 723, 724, 725, 726, 728, and 738 of the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the periods July 1, 1996 through December 31, 1996 (docket R97-21) and January 1, 1997 through June 30, 1997 (docket R98-5). It further updates the Illinois underground injection control (UIC) rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period January 1, 1997 through June 30, 1997 (docket R98-3). During this period, USEPA amended its regulations as follows:

Docket R97-21: July 1, 1996 through December 31, 1996 RCRA Subtitle C Amendments

- 61 Fed. Reg. 34251  
(July 1, 1996)
- USEPA adopted revisions establishing that only those non-municipal non-hazardous waste disposal units that meet specific standards may receive conditionally exempt small quantity generator (CESQG) hazardous wastes.
- USEPA corrected typographic errors in certain of the April 8, 1996 Phase III land disposal restriction (LDR) amendments.
- USEPA authorized additional segments of the Illinois RCRA Subtitle C hazardous waste program.
- 61 Fed. Reg. 36419  
(July 10, 1996)
- 61 Fed. Reg. 40520  
(August 5, 1996)

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 61 Fed. Reg. 43927  
(August 26, 1996)
- USEPA adopted emergency amendments to the April 8, 1996 Phase III land disposal restrictions (LDR) treatment standards for carbamate wastes due to analytical problems with those wastes.
- 61 Fed. Reg. 56631  
(November 4, 1996)
- USEPA published a correction to the text of its rules in the Code of Federal Regulations (40 CFR 266.100(c)(3)(i)) due to the fact that segments were missing from the text.
- 61 Fed. Reg. 59931  
(November 25, 1996)
- USEPA adopted "final" organic air emission standards for tanks, surface impoundments, and containers (the "Subpart CC" rules).
- Docket R98-3: January 1, 1997 through June 30, 1997 UIC Amendments
- 62 Fed. Reg. 1834  
(January 14, 1997)
- USEPA amended the addresses for its Region V headquarters.
- 62 Fed. Reg. 25998  
(May 12, 1997)
- USEPA adopted the Phase IV land disposal restriction amendments for hazardous waste generated from wood processing operations.
- Docket R98-5: January 1, 1997 through June 30, 1997 RCRA Subtitle C Amendments
- 62 Fed. Reg. 1678  
(January 13, 1997)
- USEPA changed the name and ownership of Envirote Corp. in a hazardous waste delisting.
- 62 Fed. Reg. 1834  
(January 14, 1997)
- USEPA amended the addresses for its Region V headquarters.
- 62 Fed. Reg. 1991  
(January 14, 1997)
- USEPA extended the national capacity variance for spent potliners from primary aluminum production (K088 waste) for 6 months.
- 62 Fed. Reg. 6621  
(February 12, 1997)
- USEPA amended various parts of the rules to identify when conventional and chemical military munitions become hazardous waste under RCRA.
- 62 Fed. Reg. 7502  
(February 19, 1997)
- USEPA adopted technical amendments to the tables in the Phase III land disposal restriction rule.



## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

62 Fed. Reg. 25998  
(May 12, 1997)

USEPA adopted the Phase IV land disposal restriction amendments for hazardous waste generated from wood processing operations.

62 Fed. Reg. 32452  
(June 13, 1997)

USEPA adopted amendments to the hazardous waste testing and monitoring regulations.

62 Fed. Reg. 32974  
(June 17, 1997)

USEPA adopted amendments to hazardous waste regulations regarding delisting of carbamate waste as hazardous under RCRA.

The Board will not need to take action based on the federal actions of July 10, 1996, August 26, 1996, November 25, 1996, January 13, 1997, January 14, 1997 (K088 waste only), February 19, 1997, and June 17, 1997, since we took action in prior actions. No action will be required of the Board on the August 5, 1996 federal authorization of additional elements of the Illinois RCRA Subtitle C hazardous waste program and the Code of Federal Regulations correction of November 4, 1996.

The Board will need to act with regard to the rest of the federal actions-i.e., those of July 1, 1996, January 14, 1997 (change of address only), February 12, 1997, May 12, 1997, and June 13, 1997.

Summary List of Federal Actions Forming the Basis of the Board's  
Actions in this Docket

61 Fed. Reg. 34251  
(July 1, 1996)

Revisions establishing that only those non-municipal non-hazardous waste disposal units that meet specific standards may receive CESQG hazardous wastes. (RCRA only)

62 Fed. Reg. 1834  
(January 14, 1997)

Amendments to USEPA addresses. (RCRA only)

62 Fed. Reg. 6621  
(February 12, 1997)

Amendments to segments of the rules that identify when conventional and chemical military munitions become hazardous waste under RCRA. (RCRA only)

62 Fed. Reg. 25998  
(May 12, 1997)

Phase IV land disposal restriction amendments for hazardous waste generated from wood processing operations. (RCRA and UIC)

62 Fed. Reg. 32452  
(June 13, 1997)

Amendments to the hazardous waste testing and monitoring regulations. (RCRA only)

Specifically, the segment of the amendments of the broader R97-21/R98-3/R98-5 rulemaking that is involved in Part 723 implements

## NOTICE OF PROPOSED AMENDMENTS

segments of the federal February 12, 1997 military munitions rule. The Board has also used the opportunity of amendments to Part 723 to make a number of corrective amendments to the existing text of some provisions.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical in substance to mandates imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R97-21/R98-3/R98-5 and be addressed to:

Ms. Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order from Victoria Agyeman, at 312-814-3620.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. The amendments involved in the R97-21/R98-3/R98-5 proceeding could affect the scope of affected entities to the extent a small business, small municipality, or not-for-profit corporation is involved in an activity involved in the amendments.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The amendments involved in the R97-21/R98-3/R98-5 proceeding could affect the burden of complying with the existing reporting, bookkeeping, or other procedures to the extent that an entity is involved in an activity involved in the amendments.

- C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. The amendments involved in the R97-21/R98-3/R98-5 proceeding could affect the types of professional skills required for complying with the existing reporting, bookkeeping, or other procedures to the extent that an entity is involved in an activity involved in the amendments.

- 13) Regulatory agenda on which this rulemaking was summarized: July 1997 and January 1998

The full text of the Proposed Amendments begins on the next page:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE G: WASTE DISPOSAL  
CHAPTER I: POLLUTION CONTROL BOARD  
SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

## PART 723

STANDARDS APPLICABLE TO  
TRANSPORTERS OF HAZARDOUS WASTE

## SUBPART A: GENERAL

## Section

723.110 Scope  
723.111 USEPA Identification Number  
723.112 Transfer Facility Requirements

SUBPART B: COMPLIANCE WITH THE MANIFEST  
SYSTEM AND RECORDKEEPING

## Section

723.120 The Manifest System  
723.121 Compliance with the Manifest  
723.122 Recordkeeping

## SUBPART C: HAZARDOUS WASTE DISCHARGES

## Section

723.130 Immediate Action  
723.131 Discharge Clean Up

**AUTHORITY:** Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

**SOURCE:** Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 17, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R84-9, at 9 Ill. Reg. 11961, effective July 24, 1985; amended in R86-19, at 10 Ill. Reg. 20718, effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13570, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19412, effective November 12, 1987; amended in R95-6 at 19 Ill. Reg. 9945, effective June 27, 1995; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 589, effective December 16, 1997; amended in R97-21/98-3/98-5 at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: GENERAL

## Section 723.110 Scope

- a) These regulations establish standards which apply to persons

POLLUTION CONTROL BOARD

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transporting hazardous waste into, out of or through Illinois if the transportation requires a manifest under 35 Ill. Adm. Code 722. These regulations do not apply to on-site transportation of hazardous waste by generators or by owners or operators of permitted hazardous waste management facilities.

c) A transporter of hazardous waste must also comply with 35 Ill. Adm. Code 722, "Standards Applicable to Generators of Hazardous Waste", if he:

- 1) Transports hazardous waste into the United States from abroad; or
- 2) Mixes hazardous waste of different DOT shipping descriptions by placing them into a single container.

BOARD NOTE: Transporters that store hazardous waste are required to comply with the storage standards in 35 Ill. Adm. Code 724 and 725 and the permit requirements of 40 CFR 122.

d) A transporter of hazardous waste subject to the manifesting requirements of 35 Ill. Adm. Code 722 or the waste management standards of 35 Ill. Adm. Code 733 that is being imported from or exported to any of the countries listed in 35 Ill. Adm. Code 722.159(a)(1) for purposes of recovery is subject to this Subpart H, to all other relevant requirements of 35 Ill. Adm. Code 722.Subpart H, including, but not limited to, 35 Ill. Adm. Code 722.184 for tracking documents.

e) The regulations in this Part do not apply to transportation during ar explosives or munitions emergency response, conducted in accordance with 35 Ill. Adm. Code 724.101(g)(8)(A)(iv) or (g)(8)(D) or 35 Ill. Adm. Code 725.101(g)(8)(iv) or (g)(8)(D), and 35 Ill. Adm. Code 703.121(c)(3)(A)(iv) or (C).

f) 35 Ill. Adm. Code 726.303 identifies how the requirements of this Part apply to military munitions classified as solid waste under 35 Ill. Adm. Code 726.302.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

POLLUTION CONTROL BOARD

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1) Heading of the Part: Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

2) Code citation: 35 Ill. Adm. Code 724

Section numbers:	Proposed action:
724.101	Amendment
724.170	Amendment
724.298	Amendment
724.933	Amendment
724.934	Amendment
724.950	Amendment
724.963	Amendment
724.964	Amendment
724.980	Amendment
724.990	Amendment
724.1200	New Section
724.1201	New Section
724.1202	New Section
724.App. I	Amendment

4) Statutory authority: 415 ILCS 5/22.4 and 27.

5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's proposed opinion of May 21, 1998, in R97-21/R98-3/R98-5 (consolidated), which opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5-35 and 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5-35 and 5-40 of the IAPA, it is not subject to first notice or to second notice review by JCAR.

The R97-21/R98-3/R98-5 proceeding updates Parts 703, 720, 721, 722, 723, 724, 725, 726, 728, and 738 of the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the periods July 1, 1996 through December 31, 1996 (docket R97-21) and January 1, 1997 through June 30, 1997 (docket R98-5). It further updates the Illinois underground injection control (UIC) rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period January 1, 1997 through June 30, 1997 (docket R98-3). During this period, USEPA amended its regulations as follows:

Docket R97-21: July 1, 1996 through December 31, 1996 RCRA Subtitle C Amendments



## POLLUTION CONTROL BOARD

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61 Fed. Reg. 34251  
(July 1, 1996)

USEPA adopted revisions establishing that only those non-municipal non-hazardous waste disposal units that meet specific standards may receive conditionally exempt small quantity generator (CESQG) hazardous wastes.

61 Fed. Reg. 36419  
(July 10, 1996)

USEPA corrected typographic errors in certain of the April 8, 1996 Phase III land disposal restriction (LDR) amendments.

61 Fed. Reg. 40520  
(August 5, 1996)

USEPA authorized additional segments of the Illinois RCRA Subtitle C hazardous waste program.

61 Fed. Reg. 43927  
(August 26, 1996)

USEPA adopted emergency amendments to the April 8, 1996 Phase III land disposal restrictions (LDR) treatment standards for carbamate wastes due to analytical problems with those wastes.

61 Fed. Reg. 56631  
(November 4, 1996)

USEPA published a correction to the text of its rules in the Code of Federal Regulations (40 CFR 266.100(c)(3)(i)) due to the fact that segments were missing from the text.

61 Fed. Reg. 59931  
(November 25, 1996)

USEPA adopted a "final" organic air emission standards for tanks, surface impoundments, and containers (the "Subpart CC" rules).

Docket R98-3: January 1, 1997 through June 30, 1997 UIC Amendments

62 Fed. Reg. 1834  
(January 14, 1997)

USEPA amended the addresses for its Region V headquarters.

62 Fed. Reg. 25998  
(May 12, 1997)

USEPA adopted the Phase IV land disposal restriction amendments for hazardous waste generated from wood processing operations.

Docket R98-5: January 1, 1997 through June 30, 1997 RCRA Subtitle C Amendments

62 Fed. Reg. 1678  
(January 13, 1997)

USEPA changed the name and ownership of Envirote Corp. in a hazardous waste delisting.

62 Fed. Reg. 1834  
(January 14, 1997)

USEPA amended the addresses for its Region V headquarters.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

62 Fed. Reg. 1991  
(January 14, 1997)

USEPA extended the national capacity variance for spent potliners from primary aluminum production (K088 waste) for 6 months.

62 Fed. Reg. 6621  
(February 12, 1997)

USEPA amended various parts of the rules to identify when conventional and chemical military munitions become hazardous waste under RCRA.

62 Fed. Reg. 7502  
(February 19, 1997)

USEPA adopted technical amendments to the tables in the Phase III land disposal restriction rule.

62 Fed. Reg. 25998  
(May 12, 1997)

USEPA adopted the Phase IV land disposal restriction amendments for hazardous waste generated from wood processing operations.

62 Fed. Reg. 32452  
(June 13, 1997)

USEPA adopted amendments to the hazardous waste testing and monitoring regulations.

62 Fed. Reg. 32974  
(June 17, 1997)

USEPA adopted amendments to hazardous waste regulations regarding delisting of carbamate waste as hazardous under RCRA.

The Board will not need to take action based on the federal actions of July 10, 1996, August 26, 1996, November 25, 1996, January 13, 1997, January 14, 1997 (K088 waste only), February 19, 1997, and June 17, 1997, since we took action in prior actions. No action will be required of the Board on the August 5, 1996 federal authorization of additional elements of the Illinois RCRA Subtitle C hazardous waste program and the Code of Federal Regulations correction of November 4, 1996.

The Board will need to act with regard to the rest of the federal actions-i.e., those of July 1, 1996, January 14, 1997 (change of address only), February 12, 1997, May 12, 1997, and June 13, 1997.

Summary List of Federal Actions Forming the Basis of the Board's Actions in this Docket

61 Fed. Reg. 34251  
(July 1, 1996)

Revisions establishing that only those non-municipal non-hazardous waste disposal units that meet specific standards may receive CESQG hazardous wastes. (RCRA only)

62 Fed. Reg. 1834  
(January 14, 1997)

Amendments to USEPA addresses. (RCRA only)

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R97-21/R98-3/R98-5 and be addressed to:

Ms. Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924.

Request copies of the Board's opinion and order from Victoria Agyeman, at 312-814-3620.

1) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. The amendments involved in the R97-21/R98-3/R98-5 proceeding could affect the scope of affected entities to the extent a small business, small municipality, or not-for-profit corporation is involved in an activity involved in the amendments.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The amendments involved in the R97-21/R98-3/R98-5 proceeding could affect the burden of complying with the existing reporting, bookkeeping, or other procedures to the extent that an entity is involved in an activity involved in the amendments.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. The amendments involved in the R97-21/R98-3/R98-5 proceeding could affect the types of professional skills required for complying with the existing reporting, bookkeeping, or other procedures to the extent that an entity is involved in an activity involved in the amendments.

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- 62 Fed. Reg. 6621 (February 12, 1997)  
Amendments to segments of the rules that identify when conventional and chemical military munitions become hazardous waste under RCRA. (RCRA only)

- 62 Fed. Reg. 25998 (May 12, 1997)  
Phase IV land disposal restriction amendments for hazardous waste generated from wood processing operations. (RCRA and UIC)

- 62 Fed. Reg. 32452 (June 13, 1997)  
Amendments to the hazardous waste testing and monitoring regulations. (RCRA only)  
Specifically, the segment of the amendments of the broader R97-21/R98-3/R98-5 rulemaking that are involved in Part 724 implement segments of the February 12, 1997 military munitions rule and the June 13, 1997 testing and monitoring amendments. The Board has also used the opportunity of amendments to Part 724 to make a number of corrective amendments to the existing text of some provisions. Some of the corrections were requested by JCAR.

Specifically, the segment of the broader R97-21/R98-3/R98-5 rulemaking that is involved in Part 724 implement segments of the February 12, 1997 military munitions rule and the June 13, 1997 testing and monitoring amendments. The Board has also used the opportunity of amendments to Part 724 to make a number of corrective amendments to the existing text of some provisions. Some of the corrections were requested by JCAR.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Do these proposed amendments contain incorporations by reference? Yes.  
The existing text of Part 724 includes references to documents incorporated by reference in 35 Ill. Adm. Code 720.111. A number of those references are under amendment in this segment of the R97-21/R98-3/R98-5 proceeding. Other references remain unaffected.

- 9) Are there any other amendments pending on this Part? No

- 10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical in substance to mandates imposed by federal law.

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1997 and January 1998

The full text of the Proposed Amendments begins on the next page:

## POLLUTION CONTROL BOARD

## NOTICE OF PROPOSED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

## PART 724

STANDARDS FOR OWNERS AND OPERATORS OF  
HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

## SUBPART A: GENERAL PROVISIONS

Section  
724.101  
724.103

Purpose, Scope and Applicability  
Relationship to Interim Status Standards

## SUBPART B: GENERAL FACILITY STANDARDS

Section  
724.110  
724.111  
724.112  
724.113  
724.114  
724.115  
724.116  
724.117  
724.118  
724.119

Applicability  
Identification Number  
Required Notices  
General Waste Analysis  
Security  
General Inspection Requirements  
Personnel Training  
General Requirements for Ignitable, Reactive or Incompatible Wastes  
Location Standards  
Construction Quality Assurance Program

## SUBPART C: PREPAREDNESS AND PREVENTION

Section  
724.130  
724.131  
724.132  
724.133  
724.134  
724.135  
724.137

Applicability  
Design and Operation of Facility  
Required Equipment  
Testing and Maintenance of Equipment  
Access to Communications or Alarm System  
Required Aisle Space  
Arrangements with Local Authorities

## SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section  
724.150  
724.151  
724.152  
724.153  
724.154

Applicability  
Purpose and Implementation of Contingency Plan  
Content of Contingency Plan  
Copies of Contingency Plan  
Amendment of Contingency Plan



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724.155 Emergency Coordinator  
724.156 Emergency Procedures  
  
SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section  
724.170 Applicability  
724.171 Use of Manifest System  
724.172 Manifest Discrepancies  
724.173 Operating Record  
724.174 Availability, Retention and Disposition of Records  
724.175 Annual Report  
724.176 Unmanifested Waste Report  
724.177 Additional Reports

SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS

Section  
724.190 Applicability  
724.191 Required Programs  
724.192 Groundwater Protection Standard  
724.193 Hazardous Constituents  
724.194 Concentration Limits  
724.195 Point of Compliance  
724.196 Compliance Period  
724.197 General Groundwater Monitoring Requirements  
724.198 Detection Monitoring Program  
724.199 Compliance Monitoring Program  
724.200 Corrective Action Program  
724.201 Corrective Action for Solid Waste Management Units

SUBPART G: CLOSURE AND POST-CLOSURE

Section  
724.210 Applicability  
724.211 Closure Performance Standard  
724.212 Closure Plan; Amendment of Plan  
724.213 Closure; Time Allowed For Closure  
724.214 Disposal or Decontamination of Equipment, Structures and Soils  
724.215 Certification of Closure  
724.216 Survey Plat  
724.217 Post-closure Care and Use of Property  
724.218 Post-closure Plan; Amendment of Plan  
724.219 Post-closure Notices  
724.220 Certification of Completion of Post-closure Care

SUBPART H: FINANCIAL REQUIREMENTS

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

Section  
724.240 Applicability  
724.241 Definitions of Terms As Used In This Subpart  
724.242 Cost Estimate for Closure  
724.243 Financial Assurance for Closure  
724.244 Cost Estimate for Post-closure Care  
724.245 Financial Assurance for Post-closure Care  
724.246 Use of a Mechanism for Financial Assurance of Both Closure and Post-closure Care  
724.247 Liability Requirements  
724.248 Incapacity of Owners or Operators, Guarantors or Financial Institutions  
724.251 Wording of the Instruments

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section  
724.270 Applicability  
724.271 Condition of Containers  
724.272 Compatibility of Waste With Container  
724.273 Management of Containers  
724.274 Inspections  
724.275 Containment  
724.276 Special Requirements for Ignitable or Reactive Waste  
724.277 Special Requirements for Incompatible Wastes  
724.278 Closure  
724.279 Air Emission Standards

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724.290 Applicability  
724.291 Assessment of Existing Tank System's Integrity  
724.292 Design and Installation of New Tank Systems or Components  
724.293 Containment and Detection of Releases  
724.294 General Operating Requirements  
724.295 Inspections  
724.296 Response to Leaks or Spills and Disposition of Leaking or unit-for-use Tank Systems  
724.297 Closure and Post-Closure Care  
724.298 Special Requirements for Ignitable or Reactive Waste  
724.299 Special Requirements for Incompatible Wastes  
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SUBPART K: SURFACE IMPOUNDMENTS

Section  
724.320 Applicability

## POLLUTION CONTROL BOARD

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724.321 Design and Operating Requirements  
 724.322 Action Leakage Rate  
 724.324 Response Actions  
 724.326 Monitoring and Inspection  
 724.327 Emergency Repairs; Contingency Plans  
 724.328 Closure and Post-closure Care  
 724.329 Special Requirements for Ignitable or Reactive Waste  
 724.330 Special Requirements for Incompatible Wastes  
 724.331 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027  
 724.332 Air Emission Standards

## SUBPART L: WASTE PILES

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 724.350 Applicability  
 724.351 Design and Operating Requirements  
 724.352 Action Leakage Rate  
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 724.354 Monitoring and Inspection  
 724.356 Special Requirements for Ignitable or Reactive Waste  
 724.357 Special Requirements for Incompatible Wastes  
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 724.359 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

## SUBPART M: LAND TREATMENT

Section  
 724.370 Applicability  
 724.371 Treatment Program  
 724.372 Treatment Demonstration  
 724.373 Design and Operating Requirements  
 724.376 Food-chain Crops  
 724.378 Unsaturated Zone Monitoring  
 724.379 Recordkeeping  
 724.380 Closure and Post-closure Care  
 724.381 Special Requirements for Ignitable or Reactive Waste  
 724.382 Special Requirements for Incompatible Wastes  
 724.383 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

## SUBPART N: LANDFILLS

Section  
 724.400 Applicability  
 724.401 Design and Operating Requirements  
 724.402 Action Leakage Rate

## POLLUTION CONTROL BOARD

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724.403 Monitoring and Inspection  
 724.404 Response Actions  
 724.409 Surveying and Recordkeeping  
 724.410 Closure and Post-closure Care  
 724.412 Special Requirements for Ignitable or Reactive Waste  
 724.413 Special Requirements for Incompatible Wastes  
 724.414 Special Requirements for Bulk and Containerized Liquids  
 724.415 Special Requirements for Containers  
 724.416 Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)  
 724.417 Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

## SUBPART O: INCINERATORS

Section  
 724.440 Applicability  
 724.441 Waste Analysis  
 724.442 Principal Organic Hazardous Constituents (POHCs)  
 724.443 Performance Standards  
 724.444 Hazardous Waste Incinerator Permits  
 724.445 Operating Requirements  
 724.447 Monitoring and Inspections  
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## SUBPART S: CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS

Section  
 724.652 Corrective Action Management Units  
 724.653 Temporary Units

## SUBPART W: DRIP PADS

Section  
 724.670 Applicability  
 724.671 Assessment of existing drip pad integrity  
 724.672 Design and installation of new drip pads  
 724.673 Design and operating requirements  
 724.674 Inspections  
 724.675 Closure

## SUBPART X: MISCELLANEOUS UNITS

Section  
 724.700 Applicability  
 724.701 Environmental Performance Standards  
 724.702 Monitoring, Analysis, Inspection, Response, Reporting and Corrective Action

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Alternative Control Requirements for Tanks  
SUBPART DD: CONTAINMENT BUILDINGS

724.991 Post-closure Care

SUBPART EE: HAZARDOUS WASTE MUNITIONS AND EXPLOSIVES STORAGE

Section  
724.1100 Applicability  
724.1101 Design and operating standards  
724.1102 Closure and Post-closure Care

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section  
724.930 Applicability  
724.931 Definitions  
724.932 Standards: Process Vents  
724.933 Standards: Closed Vent-vent Systems and Control Devices  
724.934 Test Methods methods and Procedures  
724.935 Recordkeeping Requirements  
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SUBPART CC: AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS

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724.950 Applicability  
724.951 Definitions  
724.952 Standards: Pumps in Light Liquid Service  
724.953 Standards: Compressors  
724.954 Standards: Pressure Relief Devices in Gas/Vapor Service  
724.955 Standards: Sampling Connecting Systems  
724.956 Standards: Open-ended Valves or Lines  
724.957 Standards: Valves in Gas/Vapor or Light Liquid Service  
724.958 Standards: Pumps, Valves, Pressure Relief Devices and Connectors  
724.959 Standards: Delay of Repair  
724.960 Standards: Closed-vent Systems and Control Devices  
724.961 Alternative Percentage Standard for Valves  
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724.981 Definitions  
724.982 Standards: General  
724.983 Waste Determination Procedures  
724.984 Standards: Tanks  
724.985 Standards: Surface Impoundments  
724.986 Standards: Containers  
724.987 Standards: Closed-vent Systems and Control Devices  
724.988 Inspection and Monitoring Requirements  
724.989 Recordkeeping Requirements  
724.990 Reporting Requirements

Section  
724.1200 Applicability  
724.1201 Design and Operating Standards  
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Section  
724.1200 Applicability  
724.1201 Design and Operating Standards  
724.1202 Closure and Post-Closure Care

Section  
724.1200 Applicability  
724.1201 Design and Operating Standards  
724.1202 Closure and Post-Closure Care

Section  
724.1200 Applicability  
724.1201 Design and Operating Standards  
724.1202 Closure and Post-Closure Care



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in R97-21/R98-3/R98-5 at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

## SUBPART A: GENERAL PROVISIONS

## Section 724.101 Purpose, Scope and Applicability

- a) The purpose of this Part is to establish minimum standards that define the acceptable management of hazardous waste.
- b) The standards in this Part apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste, except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721.
- c) The requirements of this Part apply to a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research and Sanctuaries Act (16 U.S.C. 1431-1434, 33 U.S.C. 1401) only to the extent they are included in a RCRA permit by rule granted to such a person under 35 Ill. Adm. Code 703.141. A "RCRA permit" is a permit required by Section 21(f) of the Environmental Protection Act and 35 Ill. Adm. Code 703.121.
- d) BOARD NOTE: This Part does apply to the treatment or storage of hazardous waste before it is loaded onto an ocean vessel for incineration or disposal at sea.
- e) The requirements of this Part apply to a person disposing of hazardous waste by means of underground injection subject to a permit issued by the Agency pursuant to Section 12(g) of the Environmental Protection Act only to the extent they are required by 35 Ill. Adm. Code 704.Subpart F.

BOARD NOTE: This Part does apply to the above-ground treatment or storage of hazardous waste before it is injected underground.

- f) The requirements of this Part apply to the owner or operator of a POTW (publicly owned treatment works) that treats, stores, or disposes of hazardous waste only to the extent included in a RCRA permit by rule granted to such a person under 35 Ill. Adm. Code 703.141.
- g) This subsection corresponds with 40 CFR 264.1(f), which provides that the federal regulations do not apply to T/S/D activities in authorized states, except under limited, enumerated circumstances. This statement maintains structural consistency with USEPA rules.

- 1) The owner or operator of a facility permitted by the Agency under Section 21 of the Environmental Protection Act to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under this Part by 35 Ill. Adm. Code 721.105.

BOARD NOTE: The owner or operator may be subject to 35 Ill. Adm. Code 807 and may have to have a supplemental permit under 35 Ill.

## POLLUTION CONTROL BOARD

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- 2) Adm. Code 807.210.  
The owner or operator of a facility managing recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2) through (a)(4) (except to the extent that requirements of this Part are referred to in 35 Ill. Adm. Code 726.Subparts C, F, G, or H or 35 Ill. Adm. Code 739).
- 3) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.134.
- 4) A farmer disposing of waste pesticides from the farmer's own use in compliance with 35 Ill. Adm. Code 722.170.
- 5) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110.
- 6) The owner or operator of an elementary neutralization unit or a wastewater treatment unit, as defined in 35 Ill. Adm. Code 720.110, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in 35 Ill. Adm. Code 728.Table T) or reactive (D003) waste to remove the characteristic before land disposal, the owner or operator must comply with the requirements set out in Section 724.117(b).
- 7) This subsection corresponds with 40 CFR 264.1(g)(7), reserved by USEPA. This statement maintains structural consistency with USEPA rules.
- 8) Immediate response:
  - A) Except as provided in subsection (g)(8)(B) below, a person engaged in treatment or containment activities during immediate response to any of the following situations:
    - i) A discharge of a hazardous waste;
    - ii) An imminent and substantial threat of a discharge of hazardous waste;
    - iii) A discharge of a material that becomes a hazardous waste when discharged; or
    - iv) An immediate threat to human health, public safety, property, or the environment from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosives or munitions emergency response specialist as defined in 35 Ill. Adm. Code 720.110.
  - B) An owner or operator of a facility otherwise regulated by this Part must comply with all applicable requirements of 724.Subparts C and D.
  - C) Any person that is covered by subsection (g)(8)(A) above and that continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part and 35 Ill. Adm. Code 702, 703, and 705 for those activities.
  - D) In the case of an explosives or munitions emergency

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Section 724.170 Applicability

The regulations in this Subpart apply to owners and operators of both on-site and off-site facilities, except as Section 724.101 provides otherwise. Sections 724.171, 724.172 and 724.176 do not apply to owners and operators of on-site facilities that do not receive any hazardous waste from off-site sources, nor do they apply to owners and operators of off-site facilities with respect to waste military munitions exempted from manifest requirements under 35 Ill. Adm. Code 726.303(a). Section 724.173(b) only applies to permittees which treat, store or dispose of hazardous wastes on-site where such wastes were generated.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART J: TANK SYSTEMS

Section 724.298 Special Requirements for Ignitable or Reactive Waste

- a) Ignitable or reactive waste must not be placed in a tank systems unless:
- 1) The waste is treated, rendered or mixed before or immediately after placement in the tank system so that:
    - A) The resulting waste, mixture or dissolved material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123, and
    - B) Section 724.117(b) is complied with; or
  - 2) The waste is stored or treated in such a way that it is protected from any material or conditions which may cause the waste to ignite or react; or
  - 3) The tank is used solely for emergencies.
- b) The owner or operator of a facility where ignitable or reactive waste is stored or treated in a tank must comply with the requirements for the maintenance of protective distances between the waste management area and any public ways, streets, alleys or an adjoining property line that can be built upon as required in tables 2-1 through 2-6 of the National Fire Protection Association's "Flammable and Combustible Liquids Code," NFPA 30, incorporated by reference, in 35 Ill. Adm. Code 720.111).

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section 724.933 Standards: Closed Vent -vent Systems and Control Devices

- a) Compliance Required.

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response, if a federal, state, or local official acting within the scope of his or her official responsibilities or an explosives or munitions emergency response specialist determines that immediate removal of the material or waste is necessary to protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters who do not have USEPA identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit shall retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material addressed, and its disposition.

- 9) A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less.

- 10) The addition of absorbent materials to waste in a container (as defined in 35 Ill. Adm. Code 720) or the addition of waste to absorbent material in a container, provided these actions occur at the time waste is first placed in the container, and Sections 724.117(b), 724.271, and 724.272 are complied with.

- 11) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that handles any of the wastes listed below is subject to regulation under 35 Ill. Adm. Code 733 when handling the following universal wastes:

- A) Batteries, as described in 35 Ill. Adm. Code 733.102;
- B) Pesticides, as described in 35 Ill. Adm. Code 733.103;
- C) Thermostats, as described in 35 Ill. Adm. Code 733.104; and
- D) Mercury-containing lamps, as described in 35 Ill. Adm. Code 733.107.

BOARD NOTE: Subsection (g)(11)(D) of this Section was added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

- h) This Part applies to owners and operators of facilities that treat, store, or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 728.

- i) 35 Ill. Adm. Code 726.505 identifies when the requirements of this Part apply to the storage of military munitions classified as solid waste under 35 Ill. Adm. Code 726.302. The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in 35 Ill. Adm. Code 702, 703, 705, 720 through 726, and 728.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

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- 1) Owners or operators of closed-vent systems and control devices used to comply with provisions of this Part shall comply with the provisions of this Section.
- 2) The owner or operator of an existing facility that cannot install a closed-vent system and control device to comply with the provisions of this Subpart on the effective date that the facility becomes subject to the provisions of this Subpart shall prepare an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The controls must be installed as soon as possible, but the implementation schedule may allow up to 30 months after the effective date that the facility becomes subject to this Subpart for installation and startup. All units that begin operation after December 21, 1990, must comply with the rules immediately (i.e., must have control devices installed and operating on startup of the affected unit); the 2-year implementation schedule does not apply to these units.
- b) A control device involving vapor recovery (e.g., a condenser or adsorber) must be designed and operated to recover the organic vapors vented to it with an efficiency of 95 weight percent or greater unless the total organic emission limits of Section 724.932(a)(1) for all affected process vents is attained at an efficiency less than 95 weight percent.
- c) An enclosed combustion device (e.g., a vapor incinerator, boiler, or process heater) must be designed and operated to reduce the organic emissions vented to it by 95 weight percent or greater; to achieve a total organic compound concentration of 20 ppmv, expressed as the sum of the actual compounds and not in carbon equivalents, on a dry basis, corrected to three percent oxygen; or to provide a minimum residence time of 0.50 seconds at a minimum temperature of 760° C. If a boiler or process heater is used as the control device, then the vent stream must be introduced into the flame zone of the boiler or process heater.
- d) Flares:
  - 1) A flare must be designed for and operated with no visible emissions, as determined by the methods specified in subsection (e)(1), except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.
  - 2) A flare must be operated with a flame present at all times, as determined by the methods specified in subsection (f)(2)(C) of this Section.
  - 3) A flare must be used only if the net heating value of the gas being combusted is 11.2 MJ/scm (300 Btu/scf) or greater and the flare is steam-assisted or air-assisted or if the net heating value of the gas being combusted is 7.45 MJ/scm (200 Btu/scf) or greater and the flare is nonassisted. The net heating value of the gas being combusted must be determined by the methods specified in subsection (e)(2) of this Section.

## d) Flares:

- 1) A flare must be designed for and operated with no visible emissions, as determined by the methods specified in subsection (e)(1), except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.
- 2) A flare must be operated with a flame present at all times, as determined by the methods specified in subsection (f)(2)(C) of this Section.
- 3) A flare must be used only if the net heating value of the gas being combusted is 11.2 MJ/scm (300 Btu/scf) or greater and the flare is steam-assisted or air-assisted or if the net heating value of the gas being combusted is 7.45 MJ/scm (200 Btu/scf) or greater and the flare is nonassisted. The net heating value of the gas being combusted must be determined by the methods specified in subsection (e)(2) of this Section.

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## 4) Exit Velocity.

- A) A steam-assisted or nonassisted flare must be designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) of this Section, less than 18.3 m/s (60 ft/s), except as provided in subsections (d)(4)(B) and (d)(4)(C) of this Section.
- B) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) of this Section, equal to or greater than 18.3 m/s (60 ft/s) but less than 122 m/s (400 ft/s) is allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1000 Btu/scf).
- C) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) of this Section, less than the velocity, V, as determined by the method specified in subsection (e)(4) of this Section and less than 122 m/s (400 ft/s) is allowed.
- 5) An air-assisted flare must be designed and operated with an exit velocity less than the velocity, V, as determined by the method specified in subsection (e)(5) of this Section.
- 6) A flare used to comply with this Section must be steam-assisted, air-assisted, or nonassisted.
- e) Compliance determination and equations.
  - 1) Reference Method 22 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111, must be used to determine the compliance of a flare with the visible emission provisions of this Subpart. The observation period is 2 hours and must be used according to Method 22.
  - 2) The net heating value of the gas being combusted in a flare must be calculated using the following equation:

$$H[T] = K \times \sum_{i=1}^n C[i] \times H[i]$$

Where:

H[T] is the net heating value of the sample in MJ/scm; where the net enthalpy per mole of offgas is based on combustion at 25°C and 760 mm Hg, but the standard temperature for determining the volume corresponding corresponding to 1 mole is 20°C.

$K = 1.74 \times 10(7) (1/\text{ppm})(\text{g mol/scm})(\text{MJ/kcal})$  where standard temperature for (g mol/scm) 20°C.

S(Xi) means the sum of the values of X for each component i, from i=1 to n.



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$C[i]$  is the concentration of sample component  $i$  in ppm on a wet basis, as measured for organics by Reference Method 18 in 40 CFR 60, and for carbon monoxide, by ASTM D1946-90, incorporated by reference in 35 Ill. Adm. Code 720.111.

$H[i]$  is the net heat of combustion of sample component  $i$ , kcal/gmol at 25°C and 760 mm Hg. The heats of combustion must be determined using ASTM D2382, incorporated by reference in 35 Ill. Adm. Code 720.111, if published values are not available or cannot be calculated.

3) The actual exit velocity of a flare must be determined by dividing the volumetric flow rate (in units of standard temperature and pressure), as determined by Reference Methods 2, 2A, 2C, or 2D in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111, as appropriate, by the unobstructed (free) cross-sectional area of the flare tip.

4) The maximum allowed velocity in m/s,  $V[\max]$ , for a flare complying with subsection (d)(4)(C) must be determined by the following equation:

$$\log[10] V[\max] = \frac{H[T] + 28.8}{31.7}$$

Where:

$\log[10]$  means logarithm to the base 10

$H[T]$  is the net heating value as determined in subsection (e)(2).

5) The maximum allowed velocity in m/s,  $V[\max]$ , for an air-assisted flare must be determined by the following equation:

$$V[\max] = 8.706 + 0.7084H[T]$$

Where:

$H[T]$  is the net heating value as determined in subsection (e)(2) of this Section.

f) The owner or operator shall monitor and inspect each control device required to comply with this Section to ensure proper operation and maintenance of the control device by implementing the following requirements:

1) Install, calibrate, maintain, and operate according to the manufacturer's specifications a flow indicator that provides a record of stream flow from each affected process vent to the control device at least once every hour. The flow indicator sensor must be installed in the vent stream at the nearest

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feasible point to the control device inlet but before the point at which the vent streams are combined.

2) Install, calibrate, maintain and operate according to the manufacturer's specifications a device to continuously monitor control device operation as specified below:

A) For a thermal vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must have accuracy of  $\pm 1\%$  of the temperature being monitored in °C or  $\pm 0.5^\circ\text{C}$ , whichever is greater. The temperature sensor must be installed at a location in the combustion chamber downstream of the combustion zone.

B) For a catalytic vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature at two locations and have an accuracy of  $\pm 1\%$  of the temperature being monitored in °C or  $\pm 0.5^\circ\text{C}$ , whichever is greater. One temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed inlet and a second temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed outlet.

C) For a flare, a heat sensing monitoring device equipped with a continuous recorder that indicates the continuous ignition of the pilot flame.

D) For a boiler or process heater having a design heat input capacity less than 44 MW, a temperature monitoring device equipped with a continuous recorder. The device must have an accuracy of  $\pm 1\%$  of the temperature being monitored in °C or  $\pm 0.5^\circ\text{C}$ , whichever is greater. The temperature sensor must be installed at a location in the furnace downstream of the combustion zone.

E) For a boiler or process heater having a design heat input capacity greater than or equal to 44 MW, a monitoring device equipped with a continuous recorder to measure parameters that indicates good combustion operating practices are being used.

F) For a condenser, either:

i) A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the condenser; or

ii) A temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature with an accuracy of  $\pm 1\%$  of the temperature being monitored in °C or  $\pm 0.5^\circ\text{C}$ , whichever is greater. The temperature sensor must be installed at a location in the exhaust vent stream from the condenser exit (i.e., product side).

G) For a carbon adsorption system that regenerates the carbon

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bed directly in the control device such as a fixed-bed carbon adsorber, either:

- i) A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the carbon bed, or
  - ii) A monitoring device equipped with a continuous recorder to measure a parameter that indicates the carbon bed is regenerated on a regular, predetermined time cycle.
- 3) Inspect the readings from each monitoring device required by subsections (f)(1) and (f)(2) at least once each operating day to check control device operation and, if necessary, immediately implement the corrective measures necessary to ensure the control device operates in compliance with the requirements of this Section.

- g) An owner or operator using a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device shall replace the existing carbon in the control device with fresh carbon at a regular, predetermined time interval that is no longer than the carbon service life established as a requirement of Section 724.935(b)(4)(C)(vi).
- h) An owner or operator using a carbon adsorption system such as a carbon canister that does not regenerate the carbon bed directly onsite in the control device shall replace the existing carbon in the control device with fresh carbon on a regular basis by using one of the following procedures:
  - 1) Monitor the concentration level of the organic compounds in the exhaust vent stream from the carbon adsorption system on a regular schedule, and replace the existing carbon with fresh carbon immediately when carbon breakthrough is indicated. The monitoring frequency must be daily or at an interval no greater than 20% of the time required to consume the total carbon working capacity established as a requirement of Section 724.935(b)(4)(C)(vii), whichever is longer.
  - 2) Replace the existing carbon with fresh carbon at a regular, predetermined time interval that is less than the design carbon replacement interval established as a requirement of Section 724.935(b)(4)(C)(vii).

- i) An alternative operational or process parameter may be monitored if the operator demonstrates that the parameter will ensure that the control device is operated in conformance with these standards and the control device's design specifications.
- j) An owner or operator of an affected facility seeking to comply with the provisions of this Part by using a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system is required to develop documentation including sufficient information to describe the control device operation and identify the process parameter or

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parameters that indicate proper operation and maintenance of the control device.

- k) A closed-vent system must meet either of the following design requirements:

- 1) A closed-vent system must be designed to operate with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv above background, as determined by the methods specified at Section 724.934(b), and by visual inspections; or
- 2) A closed-vent system must be designed to operate at a pressure below atmospheric pressure. The system must be equipped with at least one pressure gauge or other pressure measurement device that can be read from a readily accessible location to verify that negative pressure is being maintained in the closed-vent system when the control device is operating.

- 1) The owner or operator shall monitor and inspect each closed-vent system required to comply with this Section to ensure proper operation and maintenance of the closed-vent system by implementing the following requirements:

- 1) Each closed-vent system that is used to comply with subsection (k)(1) of this Section shall be inspected and monitored in accordance with the following requirements:

- A) An initial leak detection monitoring of the closed-vent system shall be conducted by the owner or operator on or before the date that the system becomes subject to this Section. The owner or operator shall monitor the closed-vent system components and connections using the procedures specified in Section 724.934(b) to demonstrate that the closed-vent system operates with no detectable emissions, as indicated by an instrument reading of less than 500 ppmv above of this Section background.
- B) After initial leak detection monitoring required in subsection (1)(1)(A) of this Section, the owner or operator shall inspect and monitor the closed-vent system as follows:

- i) Closed-vent system joints, seams, or other connections that are permanently or semi-permanently sealed (e.g., a welded joint between two sections of hard piping or a bolted and gasketed ducting flange) must be visually inspected at least once per year to check for defects that could result in air pollutant emissions. The owner or operator shall monitor a component or connection using the procedures specified in Section 724.934(b) to demonstrate that it operates with no detectable emissions following any time the component is repaired or replaced (e.g., a section of damaged hard piping is replaced with new hard piping) or the connection is unsealed (e.g., a flange is unbolted).
- ii) Closed-vent system components or connections other than those specified in subsection (1)(1)(B)(i) of this

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Section must be monitored annually and at other times as requested by the Regional Administrator, except as provided for in subsection (o) of this Section, using the procedures specified in Section 724.934(b) to demonstrate that the components or connections operate with no detectable emissions.

- C) In the event that a defect or leak is detected, the owner or operator shall repair the defect or leak in accordance with the requirements of subsection (1)(3) of this Section.
- D) The owner or operator shall maintain a record of the inspection and monitoring in accordance with the requirements specified in Section 724.935.
- 2) Each closed-vent system that is used to comply with subsection (k)(2) of this Section must be inspected and monitored in accordance with the following requirements:
  - A) The closed-vent system must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in ductwork or piping or loose connections.
  - B) The owner or operator shall perform an initial inspection of the closed-vent system on or before the date that the system becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year.
  - C) In the event that a defect or leak is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (1)(3) of this Section.
  - D) The owner or operator shall maintain a record of the inspection and monitoring in accordance with the requirements specified in Section 724.935.
- 3) The owner or operator shall repair all detected defects as follows:
  - A) Detectable emissions, as indicated by visual inspection or by an instrument reading greater than 500 ppmv above background, must be controlled as soon as practicable, but not later than 15 calendar days after the emission is detected, except as provided for in subsection (1)(3)(C) of this Section.
  - B) A first attempt at repair must be made no later than five calendar days after the emission is detected.
  - C) Delay of repair of a closed-vent system for which leaks have been detected is allowed if the repair is technically infeasible without a process unit shutdown, or if the owner or operator determines that emissions resulting from immediate repair would be greater than the fugitive emissions likely to result from delay of repair. Repair of such equipment must be completed by the end of the next

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- D) The owner or operator shall maintain a record of the defect repair in accordance with the requirements specified in Section 724.935.
- m) A closed-vent system or control device used to comply with provisions of this Subpart must be operated at all times when emissions may be vented to it.
- n) The owner or operator using a carbon adsorption system to control air pollutant emissions shall document that all carbon removed that is a hazardous waste and that is removed from the control device is managed in one of the following manners, regardless of the volatile organic concentration of the carbon:
  - 1) It is regenerated or reactivated in a thermal treatment unit that meets one of the following:
    - A) The owner or operator of the unit has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of 724.Subpart X; or
    - B) The unit is equipped with and operating air emission controls in accordance with the applicable requirements of 724.Subparts AA and CC or 35 Ill. Adm. Code 725.Subparts AA and CC; or
  - C) The unit is equipped with and operating air emission controls in accordance with a national emission standard for hazardous air pollution under 40 CFR 61 or 40 CFR 63.

- 2) It is incinerated in a hazardous waste incinerator for which the owner or operator has done either of the following:
  - A) The owner or operator has been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of 724.Subpart O; or
  - B) The owner or operator has certified compliance in accordance with interim status requirements of 35 Ill. Adm. Code 725.Subpart O.
- 3) It is burned in a boiler or industrial furnace for which the owner or operator had done either of the following:
  - A) The owner or operator had been issued a final permit under 35 Ill. Adm. Code 702, 703, and 705 that implements the requirements of 35 Ill. Adm. Code 726.Subpart H; or
  - B) The owner or operator has designed and operates the boiler or industrial furnace in accordance with the interim status requirements of 35 Ill. Adm. Code 726.Subpart H.
- o) Any components of a closed-vent system that are designated, as described in Section 724.935(c)(9), as unsafe to monitor are exempt from the requirements of subsection (1)(1)(B)(ii) of this Section if both of the following conditions are fulfilled:
  - 1) The owner or operator of the closed-vent system has determined that the components of the closed-vent system are unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with subsection



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- (1)(1)(B)(ii) of this Section; and
- 2) The owner or operator of the closed-vent system adheres to a written plan that requires monitoring the closed-vent system components using the procedure specified in subsection (1)(1)(B)(ii) as frequently as practicable during safe-to-monitor times.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.934 Test Methods methods and Procedures procedures**

- a) Each owner or operator subject to the provisions of this Subpart shall comply with the test methods and procedures requirements provided in this Section
- b) When a closed-vent system is tested for compliance with no detectable emissions, as required in Section 724.933(1), the test must comply with the following requirements:
- 1) Monitoring must comply with Reference Method 21 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111.
  - 2) The detection instrument must meet the performance criteria of Reference Method 21.
  - 3) The instrument must be calibrated before use on each day of its use by the procedures specified in Reference Method 21.
  - 4) Calibration gases must be:
    - A) Zero air (less than 10 ppm of hydrocarbon in air).
    - B) A mixture of methane or n-hexane and air at a concentration of approximately, but less than, 10,000 ppm methane or n-hexane.
  - 5) The background level must be determined as set forth in Reference Method 21.
  - 6) The instrument probe must be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.
  - 7) The arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.
- c) Performance tests to determine compliance with Section 724.932(a) and with the total organic compound concentration limit of Section 724.933(c) must comply with the following:
- 1) Performance tests to determine total organic compound concentrations and mass flow rates entering and exiting control devices must be conducted and data reduced in accordance with the following reference methods and calculation procedures:
    - A) Method 2 in 40 CFR 60 for velocity and volumetric flow rate.
    - B) Method 18 in 40 CFR 60 for organic content.
    - C) Each performance test must consist of three separate runs, each run conducted for at least 1 hour under the conditions

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that exist when the hazardous waste management unit is operating at the highest load or capacity level reasonably expected to occur. For the purpose of determining total organic compound concentrations and mass flow rates, the average of results of all runs applies. The average must be computed on a time-weighted basis.

- D) Total organic mass flow rates must be determined by the following equation:

$$E[h] = Q[2sd] \times \sum_{i=1}^n C[i] \times MW[i] \times 0.0416 \times 10(-6)$$

Where:

- $E[h]$  = The total organic mass flow rate, kg/h.
- $Q[2sd]$  = The volumetric flow rate of gases entering or exiting control device, dscm/h, as determined by Method 2 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111.
- $n$  = The number of organic compounds in the vent gas.
- $C[i]$  = The organic concentration in ppm, dry basis, of compound i in the vent gas, as determined by Method 18 in 40 CFR 60.
- $MW[i]$  = The molecular weight of organic compound i in the vent gas, kg/kg-mol.
- 0.0416 = The conversion factor for molar volume, kg-mol/m(3), at 293 K and 760 mmHg.
- 10(-6) = The conversion factor from ppm.

- E) The annual total organic emission rate must be determined by the following equation:

$$A = F \times H$$

Where:

A is total organic emission rate, kg/y.

F is the total organic mass flow rate, kg/h, as calculated in subsection (c)(1)(D) of this Section.

H is the total annual hours of operation for the affected unit.

- F) Total organic emissions from all affected process vents at the facility must be determined by summing the hourly total organic mass emissions rates (F as determined in subsection

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(c)(1)(D) of this Section) and by summing the annual total organic mass emission rates (A as determined in subsection (c)(1)(E) of this Section) for all affected process vents at the facility.

2) The owner or operator shall record such process information as is necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown and malfunction do not constitute representative conditions for the purpose of a performance test.

3) The owner or operator of an affected facility shall provide, or cause to be provided, performance testing facilities as follows:

A) Sampling ports adequate for the test methods specified in subsection (c)(1) of this Section.

B) Safe sampling platform(s).

C) Safe access to sampling platform(s).

D) Utilities for sampling and testing equipment.

4) For the purpose of making compliance determinations, the time-weighted average of the results of the three runs must apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions or other circumstances beyond the owner or operator's control, compliance may, upon the Agency's approval, be determined using the average of the results of the two other runs.

d) To show that a process vent associated with a hazardous waste distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation is not subject to the requirements of this Subpart, the owner or operator shall make an initial determination that the time-weighted, annual average total organic concentration of the waste managed by the waste management unit is less than 10 ppmw using one of the following two methods:

1) Direct measurement of the organic concentration of the waste using the following procedures:

A) The owner or operator shall take a minimum of four grab samples of waste for each wastewater managed in the affected unit under process conditions expected to cause the maximum waste organic concentration.

B) For waste generated onsite, the grab samples must be collected at a point before the waste is exposed to the atmosphere such as in an enclosed pipe or other closed system that is used to transfer the waste after generation to the first affected distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation. For waste generated offsite, the grab samples must be collected at the inlet to the first waste management

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unit that receives the waste provided the waste has been transferred to the facility in a closed system such as a tank truck and the waste is not diluted or mixed with other waste.

C) Each sample must be analyzed and the total organic concentration of the sample must be computed using Method 9060 or 8240 of SW-846, incorporated by reference under 35 Ill. Adm. Code 720.111.

D) The arithmetic means of the results of the analyses of the four samples apply for each wastewater managed in the unit in determining the time-weighted, annual average total organic concentration of the waste. The time-weighted average is to be calculated using the annual quantity of each waste stream processed and the mean organic concentration of each wastewater managed in the unit.

2) Using knowledge of the waste to determine that its total organic concentration is less than 10 ppmw. Documentation of the waste determination is required. Examples of documentation that must be used to support a determination under this subsection (d)(2) include:

A) Production process information documenting that no organic compounds are used;

B) Information that the waste is generated by a process that is identical to a process at the same or another facility that has previously been demonstrated by direct measurement to generate a wastewater having a total organic content less than 10 ppmw; or

C) Prior specification analysis results on the same wastewater where it is also documented that no process changes have occurred since that analysis that could affect the waste total organic concentration.

e) The determination that a distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation that manages hazardous wastes that have time-weighted, annual average total organic concentrations less than 10 ppmw must be made as follows:

1) By the effective date that the facility becomes subject to the provisions of this Subpart or by the date when the waste is first managed in a waste management unit, whichever is later; and

2) For continuously generated waste, annually; or

3) Whenever there is a change in the waste being managed or a change in the process that generates or treats the waste.

f) When an owner or operator and the Agency do not agree on whether a distillation, fractionation, thin-film evaporation, solvent extraction, or air or steam stripping operation manages a hazardous waste with organic concentrations of at least 10 ppmw based on knowledge of the waste, the procedures in Method 8260 8240 in SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, may be

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used to resolve the dispute.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

## Section 724.950 Applicability

- a) The regulations in this Subpart apply to owners and operators of facilities that treat, store, or dispose of hazardous wastes (except as provided in Section 724.101).
- b) Except as provided in Section 724.964(K), this Subpart applies to equipment that contains or contacts hazardous wastes with organic concentrations of at least 10% by weight that are managed in one of the following:
- 1) A unit that is subject to the RCRA permitting requirements of 35 Ill. Adm. Code 702, 703, and 705,
  - 2) A unit (including a hazardous waste recycling unit) that is not exempt from permitting under the provisions of 35 Ill. Adm. Code 722.134(a) (i.e., a hazardous waste recycling unit that is not a "90-day" tank or container) and that is located at a hazardous waste management facility otherwise subject to the permitting requirements of 35 Ill. Adm. Code 702, 703, and 705, or
  - 3) A unit that is exempt from permitting under the provisions of 35 Ill. Adm. Code 722.134(a) (i.e., a "90-day" tank or container).
- c) If the owner or operator of equipment subject to the requirements of Sections 724.952 through 724.965 has received a RCRA permit prior to December 21, 1990, the requirements of Sections 724.952 through 724.965 must be incorporated when the permit is reissued under 35 Ill. Adm. Code 705.201 or reviewed under 35 Ill. Adm. Code 702.161.
- d) Each piece of equipment to which this Subpart applies must be marked in such a manner that it can be distinguished readily from other pieces of equipment.
- e) Equipment that is in vacuum service is excluded from the requirements of Sections 724.952 to 724.960, if it is identified as required in Section 724.964(g)(5).
- f) Equipment that contains or contacts hazardous waste with an organic concentration of at least 10% by weight for a period of less than 300 hours per calendar year is excluded from the requirements of Sections 724.952 264-952 through 724.960 264-960 if it is identified as required in Section 724.964(g)(6).
- BOARD NOTE: The requirements of Sections 724.952 through 724.965 apply to equipment associated with hazardous waste recycling units previously exempt under 35 Ill. Adm. Code 721.106(c)(1). Other exemptions under 35 Ill. Adm. Code 721.104 and 724.101(g) are not affected by these requirements.

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(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 724.963 Test Methods and Procedures

- a) Each owner or operator subject to the provisions of this Subpart shall comply with the test methods and procedures requirements provided in this Section.
- b) Leak detection monitoring, as required in Sections 724.952 through 724.962, must comply with the following requirements:
- 1) Monitoring must comply with Reference Method 21 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111.
  - 2) The detection instrument must meet the performance criteria of Reference Method 21.
  - 3) The instrument must be calibrated before use on each day of its use by the procedures specified in Reference Method 21.
  - 4) Calibration gases must be:
    - A) Zero air (less than 10 ppm of hydrocarbon in air).
    - B) A mixture of methane or n-hexane and air at a concentration of approximately, but less than 10,000 ppm methane or n-hexane.
  - 5) The instrument probe must be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.
- c) When equipment is tested for compliance with no detectable emissions, as required in Sections 724.952(e), 724.953(i), 724.954, and 724.957(f), the test must comply with the following requirements:
- 1) The requirements of subsections (b)(1) through (b)(4) above apply.
  - 2) The background level must be determined as set forth in Reference Method 21.
  - 3) The instrument probe must be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.
  - 4) This arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.
- d) In accordance with the waste analysis plan required by Section 724.113(b), an owner or operator of a facility shall determine, for each piece of equipment, whether the equipment contains or contacts a hazardous waste with organic concentration that equals or exceeds 10 percent by weight using the following:
- 1) Methods described in ASTM Methods D 2267-88, E 168-88, E 169-87, and E 260-85, incorporated by reference in 35 Ill. Adm. Code 720.111;
  - 2) Method 9060 or 8240 of SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111; or
  - 3) Application of the knowledge of the nature of the hazardous



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wastestream or the process by which it was produced. Documentation of a waste determination by knowledge is required. Examples of documentation that must be used to support a determination under this provision include production process information documenting that no organic compounds are used, information that the waste is generated by a process that is identical to a process at the same or another facility that has previously been demonstrated by direct measurement to have a total organic content less than 10 percent, or prior speciation analysis results on the same wastestream where it is also documented that no process changes have occurred since that analysis that could affect the waste total organic concentration.

- e) If an owner or operator determines that a piece of equipment contains or contacts a hazardous waste with organic concentrations at least 10 percent by weight, the determination can be revised only after following the procedures in subsection (d)(1) or (d)(2) above.
- f) When an owner or operator and the Agency do not agree on whether a piece of equipment contains or contracts a hazardous waste with organic concentrations at least 10 percent by weight, the procedures in subsection (d)(1) or (d)(2) above must be used to resolve the dispute.
- g) Samples used in determining the percent organic content must be representative of the highest total organic content hazardous waste that is expected to be contained in or contact the equipment.
- h) To determine if pumps or valves are in light liquid service, the vapor pressures of constituents must either be obtained from standard reference texts or be determined by ASTM D 2879-92B6, incorporated by reference in 35 Ill. Adm. Code 720.111.
- i) Performance tests to determine if a control device achieves 95 weight percent organic emission reduction must comply with the procedures of Section 724.934(c)(1) through (c)(4).

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 724.964 Recordkeeping Requirements

- a) Lumping Units
  - 1) Each owner or operator subject to the provisions of this Subpart shall comply with the recordkeeping requirements of this Section.
  - 2) An owner or operator of more than one hazardous waste management unit subject to the provisions of this Subpart may comply with the recordkeeping requirements for these hazardous waste management units in one recordkeeping system if the system identifies each record by each hazardous waste management unit.
- b) Owner and operators shall record the following information in the facility operating record:
  - 1) For each piece of equipment to which this Subpart applies:

- A) Equipment identification number and hazardous waste management unit identification.
  - B) Approximate locations within the facility (e.g., identify the hazardous waste management unit on a facility plot plan).
  - C) Type of equipment (e.g., a pump or pipeline valve).
  - D) Percent-by-weight total organics in the hazardous wastestream at the equipment.
  - E) Hazardous waste state at the equipment (e.g., gas-vapor or liquid).
  - F) Method of compliance with the standard (e.g., "monthly leak detection and repair" or "equipped with dual mechanical seals").
- 2) For facilities then that comply with the provisions of Section 724.933(a)(2), an implementation schedule as specified in that Section.
  - 3) Where an owner or operator chooses to use test data to demonstrate the organic removal efficiency or total organic compound concentration achieved by the control device, a performance test plan as specified in Section 724.935(b)(3).
  - 4) Documentation of compliance with Section 724.960, including the detailed design documentation or performance test results specified in Section 724.935(b)(4).
  - c) When each leak is detected as specified in Sections 724.952, 724.953, 724.957 or 724.958, the following requirements apply:
    - 1) A weatherproof and readily visible identification, marked with the equipment identification number, the date evidence of a potential leak was found in accordance with Section 724.958(a), and the date the leak was detected, must be attached to the leaking equipment.
    - 2) The identification on equipment except on a valve, may be removed after it has been repaired.
    - 3) The identification on a valve may be removed after it has been monitored for 2 successive months as specified in Section 724.957(c) and no leak has been detected during those 2 months.

- d) When each leak is detected as specified in Sections 724.952, 724.953, 724.957 or 724.958, the following information must be recorded in an inspection log and must be kept in the facility operating record:
  - 1) The instrument and operator identification numbers and the equipment identification number.
  - 2) The date evidence of a potential leak was found in accordance with Section 724.958(a).
  - 3) The date the leak was detected and the dates of each attempt to repair the leak.
  - 4) Repair methods applied in each attempt to repair the leak.
  - 5) "Above 10,000", if the maximum instrument reading measured by the methods specified in Section 724.963(b) after each repair attempt is equal to or greater than 10,000 ppm.

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- 6) "Repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.
- 7) Documentation supporting the delay of repair of a valve in compliance with Section 724.959(c).
- 8) The signature of the owner or operator (or designate) whose decision it was that repair could not be effected without a hazardous waste management unit shutdown.
- 9) The expected date of successful repair of the leak if a leak is not repaired within 15 calendar days.
- 10) The date of successful repair of the leak.
- e) Design documentation and monitoring, operating and inspection information for each closed-vent system and control device required to comply with the provisions of Section 724.960 must be recorded and kept up-to-date in the facility operating record as specified in Section 724.935(c)(1) and (c)(2), and monitoring, operating and inspection information in Section 724.935(c)(3) through (c)(8).
- f) For a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system, the Agency shall specify the appropriate recordkeeping requirements, indicating proper operation and maintenance of the control device, in the RCRA permit.
- g) The following information pertaining to all equipment subject to the requirements in Sections 724.952 through 724.960 must be recorded in a log that is kept in the facility operating record:
  - 1) A list of identification numbers for equipment (except welded fittings) subject to the requirements of this Subpart.
  - 2) List of Equipment
    - A) A list of identification numbers for equipment that the owner or operator elects to designate for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, under the provisions of Sections 724.952(e), 724.953(i) and 724.957(f).
    - B) The designation of this equipment as subject to the requirements of Section 724.952(e), 724.953(i) or 724.957(f) must be signed by the owner or operator.
  - 3) A list of equipment identification numbers for pressure relief devices required to comply with Section 724.954(a).
  - 4) Compliance tests.
    - A) The dates of each compliance test required in Sections 724.952(e), 724.953(i), 724.954 and 724.957(f).
    - B) The background level measured during each compliance test.
    - C) The maximum instrument reading measured at the equipment during each compliance test.
  - 5) A list of identification numbers for equipment in vacuum service.
  - 6) Identification, either by list or location (area or group), of equipment that contains or contacts hazardous waste with an organic concentration of at least 10% by weight for a period of less than 300 hours per year.

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- h) The following information pertaining to all valves subject to the requirements of Section 724.957(g) and (h) must be recorded in a log that is kept in the facility operating record:
  - 1) A list of identification numbers for valves that are designated as unsafe to monitor, an explanation for each valve stating why the valve is unsafe to monitor, and the plan for monitoring each valve.
  - 2) A list of identification numbers for valves that are designated as difficult to monitor, an explanation for each valve stating why the valve is difficult to monitor, and the planned schedule for monitoring each valve.
- i) The following information must be recorded in the facility operating record for valves complying with Section 724.962:
  - 1) A schedule of monitoring.
  - 2) The percent of valves found leaking during each monitoring period.
- j) The following information must be recorded in a log that is kept in the facility operating record:
  - 1) Criteria required in Sections 724.952(d)(5)(B) and 724.953(e)(2) and an explanation of the design criteria.
  - 2) Any changes to these criteria and the reasons for the changes.
- k) The following information must be recorded in a log that is kept in the facility operating record for use in determining exemptions as provided in Section 724.950 and other specific Subparts:
  - 1) An analysis determining the design capacity of the hazardous waste management unit.
  - 2) A statement listing the hazardous waste influent to and effluent from each hazardous waste management unit subject to the requirements in Section 724.960 and an analysis determining whether these hazardous wastes are heavy liquids.
  - 3) An up-to-date analysis and the supporting information and data used to determine whether or not equipment is subject to the requirements in Sections 724.952 through 724.960. The record must include supporting documentation as required by Section 724.963(d)(3) when application of the knowledge of the nature of the hazardous wastestream or the process by which was produced is used. If the owner or operator takes any action (e.g., changing the process that produced the waste) that could result in an increase in the total organic content of the waste contained in or contacted by equipment determined not to be subject to the requirements in Sections 724.952 through 724.960, then a new determination is required.
- l) Records of the equipment leak information required by subsection (d) of this Section and the operating information required by subsection (e) of this Section need be kept only 3 years.
- m) The owner or operator of any facility that is subject to this Subpart and to regulations at 40 CFR 60, Subpart VV, or 40 CFR 61, Subpart V, incorporated by reference in 35 Ill. Adm. Code 720.111, may elect to



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determine compliance with this Subpart by documentation either pursuant to Section 724.964, or pursuant to those provisions of 40 CFR 60 or 61, to the extent that the documentation under the regulation at 40 CFR 60 or 61 duplicates the documentation required under this Subpart. The documentation under the regulation at 40 CFR 60 or 61 must be kept with or made readily available with the facility operating record.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS

## Section 724.980 Applicability

- a) The requirements of this Subpart apply, effective October 6, 1996, to owners and operators of all facilities that treat, store, or dispose of hazardous waste in tanks, surface impoundments, or containers subject to 724.980 Subparts I, J, or K, except as Section 724.101 and subsection (b) of this Section provide otherwise.

BOARD NOTE: USEPA adopted these regulations at 59 Fed. Reg. 62896 (Dec. 6, 1994), effective June 6, 1995. At 60 Fed. Reg. 26828 (May 19, 1995) and 60 Fed. Reg. 56952 (Nov. 13, 1995) and 61 Fed. Reg. 28508 (June 5, 1996), USEPA delayed the effective date until October 6, 1996. If action by USEPA or a decision of a federal court changes the effectiveness of these regulations, the Board does not intend that the 724.980 CC rules be enforceable to the extent that they become more stringent than that the federal regulations upon which they are based.

- b) The requirements of this Subpart do not apply to the following waste management units at the facility:

- 1) A waste management unit that holds hazardous waste placed in the unit before October 6, 1996, and in which no hazardous waste is added to the unit on or after this date.
- 2) A container that has a design capacity less than or equal to 0.1 m(3) (3.5 ft(3) or 26.4 gal).
- 3) A tank in which an owner or operator has stopped adding hazardous waste and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.
- 4) A surface impoundment in which an owner or operator has stopped adding hazardous waste (except to implement an approved closure plan) and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.
- 5) A waste management unit that is used solely for on-site treatment or storage of hazardous waste that is generated as the result of implementing remedial activities required pursuant to the Act or Board regulations or under the corrective action authorities of

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- RCRA section 3004(u), 3004(v) or 3008(h); CERCLA authorities; or similar federal or state authorities.
- 6) A waste management unit that is used solely for the management of radioactive mixed waste in accordance with all applicable regulations under the authority of the Atomic Energy Act (42 U.S.C. 2011 et seq.) and the Nuclear Waste Policy Act.
  - 7) A hazardous waste management unit that the owner or operator certifies is equipped with and operating air emission controls in accordance with the requirements of an applicable federal Clean Air Act regulation codified under 40 CFR 60, 61, or 63. For the purpose of complying with this subsection (b)(7), a tank for which the air emission control includes an enclosure, as opposed to a cover, must be in compliance with enclosure and control device requirements of Section 724.984(i), except as provided in Section 724.982(c)(5).
  - 8) A tank that has a process vent, as defined in 35 Ill. Adm. Code 724.931.

- c) For the owner and operator of a facility subject to this Subpart and that received a final RCRA permit prior to October 6, 1996, the requirements of this Subpart shall be incorporated into the permit when the permit is reissued, renewed, or modified in accordance with the requirements of 35 Ill. Adm. Code 703 and 705. Until such date the requirements of 35 Ill. Adm. Code 725.Subpart CC.

- d) The requirements of this Subpart, except for the recordkeeping requirements specified in Section 724.989(i), are stayed for a tank or container used for the management of hazardous waste generated by organic peroxide manufacturing and its associated laboratory operations, when the owner or operator of the unit meets all of the following conditions:

- 1) The owner or operator identifies that the tank or container receives hazardous waste generated by an organic peroxide manufacturing process producing more than one functional family of organic peroxides or multiple organic peroxides within one functional family, that one or more of these organic peroxides could potentially undergo self-accelerating thermal decomposition at or below ambient temperatures, and that organic peroxides are the predominant products manufactured by the process. For the purposes of this subsection, "organic peroxide" means an organic compound that contains the bivalent -O-O- structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.
- 2) The owner or operator prepares documentation, in accordance with Section 724.989(i), explaining why an undue safety hazard would be created if air emission controls specified in Sections 724.984 through 724.987 are installed and operated on the tanks and



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containers used at the facility to manage the hazardous waste generated by the organic peroxide manufacturing process or processes meeting the conditions of subsection (d)(1) of this Section.

- 3) The owner or operator notifies the Agency in writing that hazardous waste generated by an organic peroxide manufacturing process or processes meeting the conditions of subsection (d)(1) of this Section are managed at the facility in tanks or containers meeting the conditions of subsection (d)(2) of this Section. The notification must state the name and address of the facility and be signed and dated by an authorized representative of the facility owner or operator.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 724.984 Standards: Tanks

- a) The provisions of this Section apply to the control of air pollutant emissions from tanks for which Section 724.982(b) references the use of this Section for such air emission control.

- b) The owner or operator shall control air pollutant emissions from each tank subject to this Section in accordance with the following requirements, as applicable:

- 1) For a tank that manages hazardous waste that meets all of the conditions specified in subsections (b)(1)(A) through (b)(1)(C) of this Section, the owner or operator shall control air pollutant emissions from the tank in accordance with the Tank Level 1 controls specified in subsection (c) of this Section or the Tank Level 2 controls specified in subsection (d) of this Section.

- A) The hazardous waste in the tank has a maximum organic vapor pressure that is less than the maximum organic vapor pressure limit for the tank's design capacity category as follows:

- i) For a tank design capacity equal to or greater than 151 m(3) (39,900 gal), the maximum organic vapor pressure limit for the tank is 5.2 kPa (0.75 psig).
- ii) For a tank design capacity equal to or greater than 75 m(3) (19,800 gal) but less than 151 m(3) (39,900 gal), the maximum organic vapor pressure limit for the tank is 27.6 kPa (4.00 psig).
- iii) For a tank design capacity less than 75 m(3) (19,800 gal), the maximum organic vapor pressure limit for the tank is 76.6 kPa (11.1 psig).

- B) The hazardous waste in the tank is not heated by the owner or operator to a temperature that is greater than the temperature at which the maximum organic vapor pressure of

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the hazardous waste is determined for the purpose of complying with subsection (b)(1)(A) of this Section.

- C) The hazardous waste in the tank is not treated by the owner or operator using a waste stabilization process, as defined in 35 Ill. Adm. Code 725.981.

- 2) For a tank that manages hazardous waste that does not meet all of the conditions specified in subsections (b)(1)(A) through (b)(1)(C) of this Section, the owner or operator shall control air pollutant emissions from the tank by using Tank Level 2 controls in accordance with the requirements of subsection (d) of this Section. Examples of tanks required to use Tank Level 2 controls include a tank used for a waste stabilization process and a tank for which the hazardous waste in the tank has a maximum organic vapor pressure that is equal to or greater than the maximum organic vapor pressure limit for the tank's design capacity category as specified in subsection (b)(1)(A) of this Section.

- c) Owners and operators controlling air pollutant emissions from a tank using Tank Level 1 controls must meet the requirements specified in subsections (c)(1) through (c)(4) of this Section:

- 1) The owner or operator shall determine the maximum organic vapor pressure for a hazardous waste to be managed in the tank using Tank Level 1 controls before the first time the hazardous waste is placed in the tank. The maximum organic vapor pressure must be determined using the procedures specified in Section 724.983(c). Thereafter, the owner or operator shall perform a new determination whenever changes to the hazardous waste managed in the tank could potentially cause the maximum organic vapor pressure to increase to a level that is equal to or greater than the maximum organic vapor pressure limit for the tank design capacity category specified in subsection (b)(1)(A) of this Section, as applicable to the tank.

- 2) The tank must be equipped with a fixed roof designed to meet the following specifications:

- A) The fixed roof and its closure devices must be designed to form a continuous barrier over the entire surface area of the hazardous waste in the tank. The fixed roof may be a separate cover installed on the tank (e.g., a removable cover mounted on an open-top tank) or may be an integral part of the tank structural design (e.g., a horizontal cylindrical tank equipped with a hatch).
- B) The fixed roof must be installed in a manner such that there are no visible cracks, holes, gaps, or other open spaces between roof section joints or between the interface of the roof edge and the tank wall.
- C) Each opening in the fixed roof must be either:

- 1) Equipped with a closure device designed to operate such that when the closure device is secured in the

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closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the opening and the closure device; or

- ii) Connected by a closed-vent system that is vented to a control device. The control device must remove or destroy organics in the vent stream, and it must be operating whenever hazardous waste is managed in the tank.

D) The fixed roof and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices must include the following: the organic vapor permeability; the effects of any contact with the hazardous waste or its vapors managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.

- 3) Whenever a hazardous waste is in the tank, the fixed roof must be installed with each closure device secured in the closed position, except as follows:

A) Opening of closure devices or removal of the fixed roof is allowed at the following times:

- i) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample the liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.

- ii) To remove accumulated sludge or other residues from the bottom of the tank.

B) Opening of a spring-loaded pressure-vacuum relief valve, conservation vent, or similar type of pressure relief device which vents to the atmosphere is allowed during normal operations for the purpose of maintaining the tank internal pressure in accordance with the tank design specifications. The device must be designed to operate with no detectable organic emissions when the device is secured in the closed position. The settings at which the device opens must be established such that the device remains in the closed position whenever the tank internal pressure is within the

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internal pressure operating range determined by the owner or operator based on the tank manufacturer recommendations, applicable regulations, fire protection and prevention codes, standard engineering codes and practices, or other requirements for the safe handling of flammable, ignitable, explosive, reactive, or hazardous materials. Examples of normal operating conditions that may require these devices to open are during those times when the tank internal pressure exceeds the internal pressure operating range for the tank as a result of loading operations or diurnal ambient temperature fluctuations.

- C) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

- 4) The owner or operator shall inspect the air emission control equipment in accordance with the following requirements.

A) The fixed roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

- B) The owner or operator shall perform an initial inspection of the fixed roof and its closure devices on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except under the special conditions provided for in subsection (l) of this Section.

C) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

- D) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).

d) Owners and operators controlling air pollutant emissions from a tank using Tank Level 2 controls must use one of the following tanks:

- 1) A fixed-roof tank equipped with an internal floating roof in accordance with the requirements specified in subsection (e) of this Section;
- 2) A tank equipped with an external floating roof in accordance with the requirements specified in subsection (f) of this Section;
- 3) A tank vented through a closed-vent system to a control device in accordance with the requirements specified in subsection (g) of this Section;
- 4) A pressure tank designed and operated in accordance with the requirements specified in subsection (h) of this Section; or



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- 5) A tank located inside an enclosure that is vented through a closed-vent system to an enclosed combustion control device in accordance with the requirements specified in subsection (i) of this Section.
- e) The owner or operator that controls air pollutant emissions from a tank using a fixed roof with an internal floating roof shall meet the requirements specified in subsections (e)(1) through (e)(3) of this Section.
- 1) The tank must be equipped with a fixed roof and an internal floating roof in accordance with the following requirements:
    - A) The internal floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.
    - B) The internal floating roof must be equipped with a continuous seal between the wall of the tank and the floating roof edge that meets either of the following requirements:
      - i) A single continuous seal that is either a liquid-mounted seal or a metallic shoe seal, as defined in 35 Ill. Adm. Code 725.981; or
      - ii) Two continuous seals mounted one above of this-Section the other. The lower seal may be a vapor-mounted seal.
  - C) The internal floating roof must meet the following specifications:
    - i) Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a projection below the liquid surface.
    - ii) Each opening in the internal floating roof must be equipped with a gasketed cover or a gasketed lid except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains.
    - iii) Each penetration of the internal floating roof for the purpose of sampling must have a slit fabric cover that covers at least 90% of the opening.
    - iv) Each automatic bleeder vent and rim space vent must be gasketed.
    - v) Each penetration of the internal floating roof that allows for passage of a ladder must have a gasketed sliding cover.
    - vi) Each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof must have a flexible fabric sleeve seal or a gasketed sliding cover.
- 2) The owner or operator shall operate the tank in accordance with the following requirements:

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- A) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.
  - B) Automatic bleeder vents are to be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.
  - C) Prior to filling the tank, each cover, access hatch, gauge float well or lid on any opening in the internal floating roof must be bolted or fastened closed (i.e., no visible gaps). Rim space vents must be set to open only when the internal floating roof is not floating or when the pressure beneath the rim exceeds the manufacturer's recommended setting.
- 3) The owner or operator shall inspect the internal floating roof in accordance with the procedures specified as follows:
- A) The floating roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, any of the following: when the internal floating roof is not floating on the surface of the liquid inside the tank; when liquid has accumulated on top of the internal floating roof; when any portion of the roof seals have detached from the roof rim; when holes, tears, or other openings are visible in the seal fabric; when the gaskets no longer close off the hazardous waste surface from the atmosphere; or when the slotted membrane has more than 10% open area.
  - B) The owner or operator shall inspect the internal floating roof components as follows, except as provided in subsection (e)(3)(C) of this Section:
    - i) Visually inspect the internal floating roof components through openings on the fixed-roof (e.g., manholes and roof hatches) at least once every 12 months after initial fill, and
    - ii) Visually inspect the internal floating roof, primary seal, secondary seal (if one is in service), gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least once every 10 years.
  - C) As an alternative to performing the inspections specified in subsection (e)(3)(B) of this Section for an internal floating roof equipped with two continuous seals mounted one above the other, the owner or operator may visually inspect the internal floating roof, primary and secondary seals, gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed and at least every five years.
  - D) Prior to each inspection required by subsection (e)(3)(B) or



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(e)(3)(C) of this Section, the owner or operator shall notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Agency of the date and location of the inspection as follows:

i) Prior to each visual inspection of an internal floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before refilling the tank, except when an inspection is not planned, as provided for in subsection (e)(3)(D)(ii) of this Section.

ii) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the Agency as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Agency at least seven calendar days before refilling the tank.

E) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

F) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).

f) The owner or operator that controls air pollutant emissions from a tank using an external floating roof must meet the requirements specified in subsections (f)(1) through (f)(3) of this Section.

1) The owner or operator shall design the external floating roof in accordance with the following requirements:

A) The external floating roof must be designed to float on the liquid surface except when the floating roof must be supported by the leg supports.

B) The floating roof must be equipped with two continuous seals, one above the other, between the wall of the tank and the roof edge. The lower seal is referred to as the primary seal, and the upper seal is referred to as the secondary seal.

i) The primary seal must be a liquid-mounted seal or a metallic shoe seal, as defined in 35 Ill. Adm. Code 725.981. The total area of the gaps between the tank

wall and the primary seal must not exceed 212 square centimeters (cm(2)) per meter (10.0 square inches (in(2)) per foot) of tank diameter, and the width of any portion of these gaps must not exceed 3.8 centimeters (cm) (1.5 in). If a metallic shoe seal is used for the primary seal, the metallic shoe seal must be designed so that one end extends into the liquid in the tank and the other end extends a vertical distance of at least 61 cm (24 in) above the liquid surface.

ii) The secondary seal must be mounted above the primary seal and cover the annular space between the floating roof and the wall of the tank. The total area of the gaps between the tank wall and the secondary seal must not exceed 21.2 cm(2) per meter (1.00 in(2) per foot) of tank diameter, and the width of any portion of these gaps must not exceed 1.3 cm (0.51 in).

C) The external floating roof must meet the following specifications:

i) Except for automatic bleeder vents (vacuum breaker vents) and rim space vents, each opening in a noncontact external floating roof must provide a projection below the liquid surface.

ii) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof must be equipped with a gasketed cover, seal, or lid.

iii) Each access hatch and each gauge float well must be equipped with a cover designed to be bolted or fastened when the cover is secured in the closed position.

iv) Each automatic bleeder vent and each rim space vent must be equipped with a gasket.

v) Each roof drain that empties into the liquid managed in the tank must be equipped with a slotted membrane fabric cover that covers at least 90% of the area of the opening.

vi) Each unslotted and slotted guide pole well must be equipped with a gasketed sliding cover or a flexible fabric sleeve seal.

vii) Each unslotted guide pole must be equipped with a gasketed cap on the end of the pole.

viii) Each slotted guide pole must be equipped with a gasketed float or other device which closes off the liquid surface from the atmosphere.

ix) Each gauge hatch and each sample well must be equipped with a gasketed cover.

2) The owner or operator shall operate the tank in accordance with the following requirements:

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- A) When the floating roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be completed as soon as practical.
- B) Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof must be secured and maintained in a closed position at all times except when the closure device must be open for access.
- C) Covers on each access hatch and each gauge float well must be bolted or fastened when secured in the closed position.
- D) Automatic bleeder vents must be set closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the leg supports.
- E) Rim space vents must be set to open only at those times that the roof is being floated off the roof leg supports or when the pressure beneath the rim seal exceeds the manufacturer's recommended setting.
- F) The cap on the end of each unslotted guide pole must be secured in the closed position at all times except when measuring the level or collecting samples of the liquid in the tank.
- G) The cover on each gauge hatch or sample well must be secured in the closed position at all times except when the hatch or well must be opened for access.
- H) Both the primary seal and the secondary seal must completely cover the annular space between the external floating roof and the wall of the tank in a continuous fashion except during inspections.
- 3) The owner or operator shall inspect the external floating roof in accordance with the procedures specified as follows:
- A) The owner or operator shall measure the external floating roof seal gaps in accordance with the following requirements:
- i) The owner or operator shall perform measurements of gaps between the tank wall and the primary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every five years.
  - ii) The owner or operator shall perform measurements of gaps between the tank wall and the secondary seal within 60 calendar days after initial operation of the tank following installation of the floating roof and, thereafter, at least once every year.
  - iii) If a tank ceases to hold hazardous waste for a period of one year or more, subsequent introduction of hazardous waste into the tank must be considered an initial operation for the purposes of subsections (f)(3)(A)(i) and (f)(3)(A)(ii) of this Section.
  - iv) The owner or operator shall determine the total

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- surface area of gaps in the primary seal and in the secondary seal individually using the procedure of subsection (f)(3)(D) of this Section.
- v) In the event that the seal gap measurements do not conform to the specifications in subsection (f)(1)(B) of this Section, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.
- vi) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).
- B) The owner or operator shall visually inspect the external floating roof in accordance with the following requirements:
- i) The floating roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, any of the following conditions: holes, tears, or other openings in the rim seal or seal fabric of the floating roof; a rim seal detached from the floating roof; all or a portion of the floating roof deck being submerged below the surface of the liquid in the tank; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.
  - ii) The owner or operator shall perform an initial inspection of the external floating roof and its closure devices on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (l) of this Section.
  - iii) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.
  - iv) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).
- C) Prior to each inspection required by subsection (f)(3)(A) or (f)(3)(B), the owner or operator shall notify the Agency in advance of each inspection to provide the Agency with the opportunity to have an observer present during the inspection. The owner or operator shall notify the Agency of the date and location of the inspection as follows:
- i) Prior to each inspection to measure external floating roof seal gaps as required under subsection (f)(3)(A) of this Section, written notification must be prepared

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the seal type, as specified in subsection (f)(1)(B) of this Section.

BOARD NOTE: Subsections (f)(3)(D)(i) through (f)(3)(D)(iv) correspond with 40 CFR 264.1084(f)(3)(i)(D)(1) through (f)(3)(i)(D)(4), which the Board has codified here to comport with Illinois Administrative Code format requirements.

g) The owner or operator that controls air pollutant emissions from a tank by venting the tank to a control device shall meet the requirements specified in subsections (g)(1) through (g)(3) of this Section.

1) The tank must be covered by a fixed roof and vented directly through a closed-vent system to a control device in accordance with the following requirements:

A) The fixed roof and its closure devices must be designed to form a continuous barrier over the entire surface area of the liquid in the tank.

B) Each opening in the fixed roof not vented to the control device must be equipped with a closure device. If the pressure in the vapor headspace underneath the fixed roof is less than atmospheric pressure when the control device is operating, the closure devices must be designed to operate such that when the closure device is secured in the closed position there are no visible cracks, holes, gaps, or other open spaces in the closure device or between the perimeter of the cover opening and the closure device. If the pressure in the vapor headspace underneath the fixed roof is equal to or greater than atmospheric pressure when the control device is operating, the closure device must be designed to operate with no detectable organic emissions.

C) The fixed roof and its closure devices must be made of suitable materials that will minimize exposure of the hazardous waste to the atmosphere, to the extent practical, and will maintain the integrity of the fixed roof and closure devices throughout their intended service life. Factors to be considered when selecting the materials for and designing the fixed roof and closure devices must include the following: organic vapor permeability; the effects of any contact with the liquid and its vapor managed in the tank; the effects of outdoor exposure to wind, moisture, and sunlight; and the operating practices used for the tank on which the fixed roof is installed.

D) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 724.987.

2) Whenever a hazardous waste is in the tank, the fixed roof must be installed with each closure device secured in the closed position and the vapor headspace underneath the fixed roof vented to the

and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before the date the measurements are scheduled to be performed.

ii) Prior to each visual inspection of an external floating roof in a tank that has been emptied and degassed, written notification must be prepared and sent by the owner or operator so that it is received by the Agency at least 30 calendar days before refilling the tank, except when an inspection is not planned as provided for in subsection (f)(3)(C)(iii) of this Section.

iii) When a visual inspection is not planned and the owner or operator could not have known about the inspection 30 calendar days before refilling the tank, the owner or operator shall notify the Agency as soon as possible, but no later than seven calendar days before refilling of the tank. This notification may be made by telephone and immediately followed by a written explanation for why the inspection is unplanned. Alternatively, written notification, including the explanation for the unplanned inspection, may be sent so that it is received by the Agency at least seven calendar days before refilling the tank.

D) Procedure for determining the total surface area of gaps in the primary seal and the secondary seal:

i) The seal gap measurements must be performed at one (1) more floating roof levels when the roof is floating off the roof supports.

ii) Seal gaps, if any, must be measured around the entire perimeter of the floating roof in each place where a 0.32 cm (0.125 in) diameter uniform probe passes freely (without forcing or binding against the seal) between the seal and the wall of the tank and measure the circumferential distance of each such location.

iii) For a seal gap measured under subsection (f)(3) of this Section, the gap surface area must be determined by using probes of various widths to measure accurately the actual distance from the tank wall to the seal and multiplying each such width by its respective circumferential distance.

iv) The total gap area must be calculated by adding the gap surface areas determined for each identified gap location for the primary seal and the secondary seal individually, and then dividing the sum for each seal type by the nominal perimeter of the tank. These total gap areas for the primary seal and secondary seal are then compared to the respective standards for



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control device except as follows:

A) Venting to the control device is not required, and opening of closure devices or removal of the fixed roof is allowed at the following times:

- i) To provide access to the tank for performing routine inspection, maintenance, or other activities needed for normal operations. Examples of such activities include those times when a worker needs to open a port to sample liquid in the tank, or when a worker needs to open a hatch to maintain or repair equipment. Following completion of the activity, the owner or operator shall promptly secure the closure device in the closed position or reinstall the cover, as applicable, to the tank.
- ii) To remove accumulated sludge or other residues from the bottom of a tank.

B) Opening of a safety device, as defined in 35 Ill. Adm. Code 725.981, is allowed at any time conditions require doing so to avoid an unsafe condition.

3) The owner or operator shall inspect and monitor the air emission control equipment in accordance with the following procedures:

A) The fixed roof and its closure devices must be visually inspected by the owner or operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, any of the following: visible cracks, holes, or gaps in the roof sections or between the roof and the tank wall; broken, cracked, or otherwise damaged seals or gaskets on closure devices; and broken or missing hatches, access covers, caps, or other closure devices.

B) The closed-vent system and control device must be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 724.987.

C) The owner or operator shall perform an initial inspection of the air emission control equipment on or before the date that the tank becomes subject to this Section. Thereafter, the owner or operator shall perform the inspections at least once every year except for the special conditions provided for in subsection (l) of this Section.

D) In the event that a defect is detected, the owner or operator shall repair the defect in accordance with the requirements of subsection (k) of this Section.

E) The owner or operator shall maintain a record of the inspection in accordance with the requirements specified in Section 724.989(b).

h) The owner or operator that controls air pollutant emissions by using a pressure tank must meet the following requirements:

- 1) The tank must be designed not to vent to the atmosphere as a

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result of compression of the vapor headspace in the tank during filling of the tank to its design capacity.

2) All tank openings must be equipped with closure devices designed to operate with no detectable organic emissions as determined using the procedure specified in Section 724.983(d).

3) Whenever a hazardous waste is in the tank, the tank must be operated as a closed system that does not vent to the atmosphere except in the event that a safety device, as defined in 35 Ill. Adm. Code 725.981, is required to open to avoid an unsafe condition.

i) The owner or operator that controls air pollutant emissions by using an enclosure vented through a closed-vent system to an enclosed combustion control device must meet the requirements specified in subsections (i)(1) through (i)(4) of this Section.

1) The tank must be located inside an enclosure. The enclosure must be designed and operated in accordance with the criteria for a permanent total enclosure, as specified in "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure" under 40 CFR 52.741, appendix B, incorporated by reference in 35 Ill. Adm. Code 720.111. The enclosure may have permanent or temporary openings to allow worker access; passage of material into or out of the enclosure by conveyor, vehicles, or other mechanical means; entry of permanent mechanical or electrical equipment; or direct airflow into the enclosure. The owner or operator shall perform the verification procedure for the enclosure, as specified in Section 5.0 to "Procedure T--Criteria for and Verification of a Permanent or Temporary Total Enclosure", initially when the enclosure is first installed and, thereafter, annually.

2) The enclosure must be vented through a closed-vent system to an enclosed combustion control device that is designed and operated in accordance with the standards for either a vapor incinerator, boiler, or process heater specified in Section 724.987.

3) Safety devices, as defined in 35 Ill. Adm. Code 725.981, may be installed and operated as necessary on any enclosure, closed-vent system, or control device used to comply with the requirements of subsections (i)(1) and (i)(2) of this Section.

4) The owner or operator shall inspect and monitor the closed-vent system and control device as specified in Section 724.987.

j) The owner or operator shall transfer hazardous waste to a tank subject to this Section in accordance with the following requirements:

- 1) Transfer of hazardous waste, except as provided in subsection (j)(2) of this Section, to the tank from another tank subject to this Section or from a surface impoundment subject to Section 724.985 must be conducted using continuous hard-piping or another closed system that does not allow exposure of the hazardous waste to the atmosphere. For the purpose of complying with this provision, an individual drain system is considered to be a

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closed system when it meets the requirements of 40 CFR 63, subpart RR, "National Emission Standards for Individual Drain Systems", incorporated by reference in 35 Ill. Adm. Code 720.111. The requirements of subsection (j)(1) of this Section do not apply when transferring a hazardous waste to the tank under any of the following conditions:

- A) The hazardous waste meets the average VO concentration conditions specified in Section 724.982(c)(1) at the point of waste origination.
- B) The hazardous waste has been treated by an organic destruction or removal process to meet the requirements in Section 724.982(c)(2).

k) The owner or operator shall repair each defect detected during an inspection performed in accordance with the requirements of subsection (c)(4), (e)(3), (f)(3), or (g)(3) of this Section, as follows:

- 1) The owner or operator shall make first efforts at repair of the defect no later than five calendar days after detection, and repair must be completed as soon as possible but no later than 45 calendar days after detection except as provided in subsection (k)(2) of this Section.

2) Repair of a defect may be delayed beyond 45 calendar days if the owner or operator determines that repair of the defect requires emptying or temporary removal from service of the tank and no alternative tank capacity is available at the site to accept the hazardous waste normally managed in the tank. In this case, the owner or operator shall repair the defect the next time the process or unit that is generating the hazardous waste managed in the tank stops operation. Repair of the defect must be completed before the process or unit resumes operation.

l) Following the initial inspection and monitoring of the cover, as required by the applicable provisions of this Subpart, subsequent inspection and monitoring may be performed at intervals longer than one year under the following special conditions:

- 1) In the case when inspecting or monitoring the cover would expose a worker to dangerous, hazardous, or other unsafe conditions, then the owner or operator may designate a cover as an "unsafe to inspect and monitor cover" and comply with all of the following requirements:

- A) Prepare a written explanation for the cover stating the reasons why the cover is unsafe to visually inspect or to monitor, if required.
- B) Develop and implement a written plan and schedule to inspect and monitor the cover, using the procedures specified in the applicable Section of this Subpart, as frequently as practicable during those times when a worker can safely access the cover.
- 2) In the case when a tank is buried partially or entirely underground, an owner or operator is required to inspect and

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monitor, as required by the applicable provisions of this Section, only those portions of the tank cover and those connections to the tank (e.g., fill ports, access hatches, gauge wells, etc.) that are located on or above the ground surface.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 724.990 Reporting Requirements

a) Each owner or operator managing hazardous waste in a tank, surface impoundment, or container exempted from using air emission controls under the provisions of Section 724.982(c) shall report to the Agency each occurrence when hazardous waste is placed in the waste management unit in noncompliance with the conditions specified in Section 724.982(c)(1) or (c)(2), as applicable. Examples of such occurrences include placing in the waste management unit a hazardous waste having an average VO concentration equal to or greater than 500 ppmw at the point of waste origination or placing in the waste management unit a treated hazardous waste that fails to meet the applicable conditions specified in Section 724.982(c)(2)(A) through (c)(2)(F). The owner or operator shall submit a written report within 15 calendar days of the time that the owner or operator becomes aware of the occurrence. The written report shall contain the USEPA identification number, the facility name and address, a description of the noncompliance event and the cause, the dates of the noncompliance, and the actions taken to correct the noncompliance and prevent recurrence of the noncompliance. The report shall be signed and dated by an authorized representative of the owner or operator.

b) Each owner or operator using air emission controls on a tank in accordance with the requirements of Section 724.984(c) shall report to the Agency each occurrence when hazardous waste is managed in the tank in noncompliance with the conditions specified in Section 724.984(b). The owner or operator shall submit a written report within 15 calendar days of the time that the owner or operator becomes aware of the occurrence. The written report shall contain the USEPA identification number, the facility name and address, a description of the noncompliance event and the cause, the dates of the noncompliance, and the actions taken to correct the noncompliance and prevent recurrence of the noncompliance. The report shall be signed and dated by an authorized representative of the owner or operator.

c) Each owner or operator using a control device in accordance with the requirements of Section 724.987 shall submit a semiannual written report to the Agency, except **excepted** as provided for in subsection (d) of this Section. The report shall describe each occurrence during the previous 6-month period when either of the two following events occurs: a control device is operated continuously for 24 hours or longer in noncompliance with the applicable operating values defined



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in Section 724.935(c)(4) or a flare is operated with visible emissions for five minutes or longer in a two-hour period, as defined in Section 724.933(d). The written report shall include the USEPA identification number, the facility name and address, and an explanation why the control device could not be returned to compliance within 24 hours, and actions taken to correct the noncompliance. The report shall be signed and dated by an authorized representative of the owner or operator.

- d) A report to the Agency in accordance with the requirements of subsection (c) of this Section is not required for a 6-month period during which all control devices subject to this Subpart are operated by the owner or operator so that both of the following conditions result: during no period of 24 hours or longer did a control device operate continuously in noncompliance with the applicable operating values defined in Section 724.935(c)(4) and no flare was operated with visible emissions for five minutes or longer in a two-hour period, as defined in Section 724.933(d).

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART EE: HAZARDOUS WASTE MUNITIONS AND EXPLOSIVES STORAGE

## Section 724.1200 Applicability

The requirements of this Subpart EE apply to owners or operators who store munitions and explosive hazardous wastes, except as Section 724.101 provides otherwise.

BOARD NOTE: Depending on explosive hazards, hazardous waste munitions and explosives may also be managed in other types of storage units, including containment buildings (Subpart DD of this Part), tanks (Subpart J of this Part), or containers (Subpart I of this Part); see 35 Ill. Adm. Code 726.305 for storage of waste military munitions.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 724.1201 Design and Operating Standards

- a) An owner or operator of a hazardous waste munitions and explosives storage unit shall design and operate the unit with containment systems, controls, and monitoring that fulfill each of the following requirements:

- 1) The owner or operator minimizes the potential for detonation or other means of release of hazardous waste, hazardous constituents, hazardous decomposition products, or contaminated run-off to the soil, ground water, surface water, and atmosphere;
- 2) The owner or operator provides a primary barrier, which may be a

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container (including a shell) or tank, designed to contain the hazardous waste;

- 3) For wastes stored outdoors, the owner or operator provides that the waste and containers will not be in standing precipitation;
- 4) For liquid wastes, the owner or operator provides a secondary containment system that assures that any released liquids are contained and promptly detected and removed from the waste area or a vapor detection system that assures that any released liquids or vapors are promptly detected and an appropriate response taken (e.g., additional containment, such as overpacking or removal from the waste area); and
- 5) The owner or operator provides monitoring and inspection procedures that assure the controls and containment systems are working as designed and that releases that may adversely impact human health or the environment are not escaping from the unit.

b) Hazardous waste munitions and explosives stored under this Subpart EE may be stored in one of the following:

- 1) Earth-covered magazines. The owner or operator of an earth-covered magazine shall fulfill each of the following requirements:

A) The magazine is constructed of waterproofed, reinforced concrete or structural steel arches, with steel doors that are kept closed when not being accessed;

B) The magazine is so designed and constructed that it fulfills each of the following requirements:

- i) The magazine is of sufficient strength and thickness to support the weight of any explosives or munitions stored and any equipment used in the unit;
- ii) The magazine provides working space for personnel and equipment in the unit; and
- iii) The magazine can withstand movement activities that occur in the unit; and

C) The magazine is located and designed, with walls and earthen covers that direct an explosion in the unit in a safe direction, so as to minimize the propagation of an explosion to adjacent units and to minimize other effects of any explosion.

2) Above-ground magazines. Above-ground magazines must be located and designed so as to minimize the propagation of an explosion to adjacent units and to minimize other effects of any explosion.

3) Outdoor or open storage areas. Outdoor or open storage areas must be located and designed so as to minimize the propagation of an explosion to adjacent units and to minimize other effects of any explosion.

c) An owner or operator shall store hazardous waste munitions and explosives in accordance with a standard operating procedure that specifies procedures that ensure safety, security, and environmental protection. If these procedures serve the same purpose as the



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security and inspection requirements of Section 114, the preparedness and prevention procedures of Subpart C of this Part, and the contingency plan and emergency procedures requirements of Subpart D of this Part, then the standard operating procedure may be used to fulfill those requirements.

- d) An owner or operator shall package hazardous waste munitions and explosives to ensure safety in handling and storage.
- e) An owner or operator shall inventory hazardous waste munitions and explosives at least annually.
- f) An owner or operator shall inspect and monitor hazardous waste munitions and explosives and their storage units as necessary to ensure explosives safety and to ensure that there is no migration of contaminants out of the unit.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 724.1202 Closure and Post-Closure Care**

- a) At closure of a magazine or unit that stored hazardous waste under this Subpart, the owner or operator shall remove or decontaminate all waste residues, contaminated containment system components contaminated subsoils, and structures and equipment contaminated with waste and manage them as hazardous waste unless 35 Ill. Adm. Code 721.103(d) applies. The closure plan, closure activities, cost estimates for closure, and financial responsibility for magazines or units must meet all of the requirements specified in Subparts G and H of this Part, except that the owner or operator may defer closure of the unit as long as it remains in service as a munitions or explosives magazine or storage unit.

- b) If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures, and equipment as required in subsection (a) of this Section, the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated, the owner or operator shall close the facility and perform post-closure care in accordance with the closure and post-closure requirements that apply to landfills (see Section 724.410).

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 724.APPENDIX I Groundwater Monitoring List**

- a) The regulatory requirements pertain only to the list of substances; the right hand columns (Methods and PQL) are given for informational purposes only. See also subsections (e) and (f) of this Section.
- b) Common names are those widely used in government regulations, scientific publications and commerce; synonyms exist for many chemicals.
- c) "CAS RN" means "Chemical Abstracts Service Registry Number". Where "total" is entered, all species in the groundwater that contain this element are included.
- d) CAS index names are those used in the 9th Cumulative index.

- e) "Suggested Methods" refer to analytical procedure numbers used in "Test Methods for Solid Waste," SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111. Analytical details can be found in "Test Methods", and in documentation of file with USEPA. The packed column gas chromatography methods 8010, 8020, 8030, 8040, 8050, 8080, 8090, 8110, 8120, 8140, 8150, 8240, and 8250 were in Update IIB of SW-846. However, in Update III, USEPA replaced these methods with "capillary column gas chromatography (GC) methods", as the suggested methods. ~~Cautions:--The methods listed are representative procedures and may not always be the most suitable methods for monitoring--an analyte--under the regulations.~~

- f) Practical Quantitation Limits ("PQLs") are the lowest concentrations of analytes in groundwater that can be reliably determined within specified limits of precision and accuracy by the indicated methods under routine laboratory operating conditions. The PQLs listed are generally stated to one significant figure. Caution: The PQL values in many cases are based only on a general estimate for the method and not on a determination for individual compounds; PQLs are not part of the regulation.

- g) PCBs (CAS RN 1336-36-3). This category contains congener chemicals, including constituents Aroclor-1016 (CAS RN 12674-11-2), Aroclor-1221 (CAS RN 11104-28-2), Aroclor-1232 (CAS RN 11141-16-5), Aroclor-1242 (CAS RN 52469-21-9), Aroclor-1248 (CAS RN 12672-29-6), Aroclor-1254 (CAS RN 11097-69-1) and Aroclor-1260 (CAS RN 11096-82-5). The PQL shown is an average value for PCB congeners.

- h) PCDDs. This category includes congener chemicals, including tetrachlorodibenzo-p-dioxins (see also 2,3,7,8-TCDD), pentachlorodibenzo-p-dioxins and hexachlorodibenzo-p-dioxins. The PQL shown is an average value for PCDD congeners.

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- i) PCDFs. This category contains congener chemicals, including tetrachlorodibenzofurans, pentachlorodibenzofurans and hexachlorodibenzofurans. The PQL shown is an average for all PCDF congeners.

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Common Name	CAS RN	Chemical Abstracts Service	Suggested PQL (ug/L)
Index Name			methods
Acenaphthene	83-32-9	Acenaphthylene, 1,2-dihydro-	8100 200.
Acenaphthylene	208-96-8	Acenaphthylene	8270 10. 8100 200.
Acetone	67-64-1	2-Propanone	8270 10.
Acetophenone	98-86-2	Ethanone, 1-phenyl-	8240 100.
Acetonitrile; Methyl cyanide	75-05-8	Acetonitrile	8270 10. 8015 100.
2-Acetylaminofluorene; 2-AAF	53-96-3	Acetamide, N-9H-fluoren-2-yl-	8270 10.
Acrolein	107-02-8	2-Propenal	8030 5. 8240 5. 8030 5. 8240 5.
Acrylonitrile	107-13-1	2-Propenenitrile	8080 0.05 8270 10.
Aldrin	309-00-2	1,4:5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro-1,4,4a,5,8a-hexahydro-(1alpha, 4alpha, 4beta, 5alpha, 8alpha, 8beta)-	8010 5. 8240 100. 8270 10. 8270 10. 8100 200. 8270 10. 6010 300. 7040 2000. 7041 30. 8270 10.
Allyl chloride	107-05-1	1-Propene, 3-chloro-	
4-Aminobiphenyl	92-67-1	[1,1'-Biphenyl]-4-amine	
Aniline	62-53-3	Benzenamine	
Anthracene	120-12-7	Anthracene	
Antimony	(Total)	Antimony	
Aramite	140-57-8	Sulfurous acid, 2-chloroethyl 2-{4-(1,1-dimethylethyl)phenoxy}-1-methylethyl ester	
Arsenic	(Total)	Arsenic	
Barium	(Total)	Barium	
Benzene	71-43-2	Benzene	
Benzof[a]anthracene; Benzo[a]anthracene	56-55-3	Benz[a]anthracene	
Benzo[b]fluoranthene	205-99-2	Benz[e]acephenanthrylene	





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Dichlorophenoxyacetic acid	72-54-8	Benzene, 1,1'-(2,2-dichloroethylidene)-bis[4-chloro-	8080	0.1
4,4'-DDD				
4,4'-DDE	72-55-9	Benzene, 1,1'-(dichloroethylidene)-bis[4-chloro-	8270	10.
			8080	0.05
4,4'-DDT	50-29-3	Benzene, 1,1'-(2,2,2-trichloroethylidene)-bis[4-chloro-	8270	10.
			8080	0.1
Diallate	2303-16-4	Carbamothioic acid, bis(1-methylethyl)-, S-(2,3-dichloro-2-propenyl) ester	8270	10.
			8270	10.
Dibenz[a,h]anthracene	53-70-3	Dibenz[a,h]anthracene	8100	200.
Dibenzofuran	132-64-9	Dibenzofuran	8270	10.
Dibromochloromethane;	124-48-1	Methane, dibromochloro-	8270	10.
Chlorodibromomethane			8010	1.
1,2-Dibromo-3-chloropropane;	96-12-8	Propane, 1,2-dibromo-3-chloro-	8240	5.
			8010	100.
DBCP			8240	5.
1,2-Dibromoethane;	106-93-4	Ethane, 1,2-dibromo-	8270	10.
Ethylene dibromide			8010	10.
Di-n-butyl phthalate	84-74-2	1,2-Benzenedicarboxylic acid, dibutyl ester	8240	5.
			8060	5.
o-Dichlorobenzene	95-50-1	Benzene, 1,2-dichloro-	8270	10.
			8010	2.
			8020	5.
			8120	10.
m-Dichlorobenzene	541-73-1	Benzene, 1,3-dichloro-	8270	10.
			8010	5.
			8020	5.
			8120	10.
p-Dichlorobenzene	106-46-7	Benzene, 1,4-dichloro-	8270	10.
			8010	2.
			8020	5.
			8120	15.
3,3'-Dichlorobenzidine	91-94-1	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dichloro-2-Butene, 1,4-dichloro-, (E)-	8270	10.
trans-1,4-Dichloro-2-butane	110-57-6		8270	20.
Dichlorodifluoromethane	75-71-8	Methane, dichlorodifluoro-	8240	5.
			8010	10.
			8240	5.

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1,1-Dichloroethane	75-34-3	Ethane, 1,1-dichloro-	8010	1.
1,2-Dichloroethane;	107-06-2	Ethane, 1,2-dichloro-	8240	5.
Ethylene dichloride			8010	0.5
1,1-Dichloroethylene;	75-35-4	Ethene, 1,1-dichloro-	8240	5.
Vinylidene chloride			8010	1.
trans-1,2-	156-60-5	Ethene, 1,2-dichloro-, (E)-	8240	5.
			8010	1.
Dichloroethylene				
2,4-Dichlorophenol	120-83-2	Phenol, 2,4-dichloro-	8240	5.
			8040	5.
2,6-Dichlorophenol	87-65-0	Phenol, 2,6-dichloro-	8270	10.
1,2-Dichloropropane	78-87-5	Propane, 1,2-dichloro-	8270	10.
			8010	0.5
cis-1,3-Dichloropropene	10061-01-	1-Propene, 1,3-dichloro-, (Z)-	8240	5.
	5		8010	20.
trans-1,3-	10061-02-	1-Propene, 1,3-dichloro-, (E)-	8240	5.
Dichloropropene			8010	5.
	6			
Dieldrin	60-57-1	2,7:3,6-Dimethanaphth[2,3- b]oxirene, 3,4,5,6,9,9- hexachloro-1a,2,2a,3,6,6a,7, 7a -octahydro-, (1aalpha, 2beta, 2aalpha, 3beta, 6beta, 6aalpha, 7beta, 7aalpha)-	8240	5.
Diethyl phthalate	84-66-2	1,2-Benzenedicarboxylic acid, diethyl ester	8060	5.
0,0-Diethyl			8270	10.
1-2-pyrazinyl	297-97-2	Phosphorothioic acid, 0,0-diethyl 0- parazinyl ester	8270	10.
phosphorothioate;				
Thionazin				
Dimethoate	60-51-5	Phosphorodithioic acid, 0,0-diethyl 0- S-[2-(methylamino)-2-oxoethyl] ester	8270	10.
p-(Dimethylamino)	60-11-7	Benzenamine, N,N-dimethyl- 4- (phenylazo)-	8270	10.
azobenzene				
7,12-dimethylbenz[a]	57-97-6	Benz[a]anthracene, 7,12-dimethyl-	8270	10.
anthracene				
1,3,3,3'-Dimethylbenzidine	119-93-7	[1,1'-Biphenyl]-4,4'-diamine, 3,3'-dimethyl-	8270	10.
alpha, alpha-	122-09-8	Benzenethanamine, alpha, alpha-dimethyl-	8270	10.
Dimethylphenethylamine				
2,4-Dimethylphenol	105-67-9	Phenol, 2,4-dimethyl-	8270	10.
			8040	5.
Dimethyl phthalate	131-11-3	1,2-Benzenedicarboxylic	8270	10.
			8060	5.

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m-Dinitrobenzene	99-65-0	acid, dimethyl ester	8270	10.
4,6-Dinitro-o-cresol	534-52-1	Benzene, 1,3-dinitro-	8270	10.
		Phenol, 2-methyl-4,6-dinitro-	8040	150.
2,4-Dinitrophenol	51-28-5	Pnehol, 2,4-dinitro-	8270	50.
			8040	150.
2,4-Dinitrotoluene	121-14-2	Benzene, 1-methyl-2,4-dinitro-	8270	50.
			8090	0.2
2,6-Dinitrotoluene	606-20-2	Benzene, 2-methyl-1,3-dinitro-	8270	10.
			8090	0.1
Dinoseb; DNEP; 2-sec-Butyl-4,6-dinitrophenol	88-85-7	Phenol, 2-(1-methylpropyl)-4,6-dinitro-	8270	10.
Di-n-octyl phthalate	117-84-0	1,2-Benzenedicarboxylic acid, dioctyl ester	8150	1.
			8270	10.
1,4-Dioxane	123-91-1	1,4-Dioxane	8060	30.
Diphenylamine	122-39-4	Benzeneamine, N-phenyl-	8270	10.
Disulfoton	298-04-4	Phosphorodithioic acid, 0,0-diethyl S-[2-(ethylthio)-ethyl] ester	8015	150.
			8270	10.
			8140	2.
Endosulfan I	959-98-8	6,9-Methano-2,4,3-benzodioxathiepin, 6,7,8,9,10,10-hexachloro-	8270	10.
			8080	0.1
			8250	10.
Endosulfan II	33213-65-9	6,9-Methano-2,4,3-benzodioxathiepin, 6,7,8,9,10,10-hexachloro-	8080	0.05
Endosulfan sulfate	1031-07-8	6,9-Methano-2,4,3-benzodioxathiepin, 6,7,8,9,10,10-hexachloro-	8080	0.5
			8270	10.
Endrin	72-20-8	2,7:3,6-Dimethanonaphth[2,3-b]oxirene, 3,4,5,6,9,9-hexachloro-1a,2,2a,3,6,6a,7,7a octahydro-, (laalpha, 2beta, 2beta, 3alpha, 6alpha, 6beta, 7beta, 7aalpha)-	8080	0.1
			8250	10.
Endrin aldehyde	7421-93-4	1,2,4-Methanocyclopenta[cd]indeno[1,2,3-cd]pyrene	8080	0.2

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pentalene-5-carboxaldehyde, 2,2a,3,3,4,7-hexachlorodecahydro-, (lalpha, 2beta, 2beta, 4beta, 4beta, 5beta, 6beta, 6beta, 7R)-			8270	10.
Benzene, etyl-	100-41-4		8020	2.
			8240	5.
2-Propenoic acid, 2-methyl-, ethyl ester	97-63-2		8015	10.
			8240	5.
			8270	10.
Methanesulfonic acid, ethyl ester	62-50-0		8270	10.
Phosphorothioic acid, 0-[4-[(dimethylamino)sulfonyl]phenyl]-0,0-dimethyl ester	52-85-7		8270	10.
Fluoranthene	206-44-0		8100	200.
			8270	10.
			8100	200.
9H-Fluorene	86-73-7		8270	10.
			8080	0.05
4,7-Methano-1H-indene, 1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-	76-44-8		8270	10.
2,5-Methano-2H-indeno[1,2-b]oxirene, 6,7,7-heptachloro-1a,1b,5,5a,6,6a-(laalpha, hexahydro-, 1beta, 2alpha, 5alpha, 6beta, 6alpha)-	1024-57-3		8080	1.
			8270	10.
Benzene, hexachloro-	118-74-1		8120	0.5
1,3-Butadiene, 1,1,2,3,4,4-hexachloro-	87-68-3		8270	10.
1,3-Cyclopentadiene, 1,2,3,4,5,5-hexachloro-	77-47-4		8120	5.
Ethane, hexachloro-	67-72-1		8270	10.
Phenol, 2,2'-methylenebis[3,4,6-trichloro-1-Propene, 1,1,2,3,3,3-hexachloro-	70-30-4		8270	10.
2-Hexanone	591-78-6		8240	50.
Indeno[1,2,3-cd]pyrene	193-39-5		8100	200.

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Isobutyl alcohol	78-83-1	1-Propanol, 2-methyl-	8270	10.
Isodrin	465-73-6	1,4,5,8-Dimethanonaphthalene, 1,2,3,4,10,10-hexachloro- 1,4,4a,5,8,8a-hexahydro- (alpha, 4alpha, 4beta, 5beta, 8beta, 8abeta)- 2-Cyclohexen-1-one, 3,5,5-trimethyl-	8015 8270	50. 10.
Isophorone	78-59-1	2-Cyclohexen-1-one, 3,5,5-trimethyl-	8090	60.
Isosafrole	120-58-1	1,3-Benzodioxole, 5-(1-propenyl)-	8270	10.
Kepone	143-50-0	1,3,4-Metheno-2H cyclobuta- [c,d]pentalen-20one, 1,1a,3,3a,4,5,5a,5b,6- decachlorooctahydro-	8270	10.
Lead	(Total)	Lead	6010	40.
Mercury	(Total)	Mercury	7420	1000.
Methacrylonitrile	126-96-7	2-Propenenitrile, 2-methyl-	7421 7470 8015	10. 2. 5.
Methapyrilene	91-80-5	1,2-Ethanediamine, N,N-dimethyl-N'-2- pyridinyl-N'-(2-thienyl methyl)-	8240 8270	5. 10.
Methoxychlor	72-43-5	Benzene, 1,1'-(2,2,2- trichloroethylidene)bis [4-methoxy-	8080	2.
Methyl bromide;			8270	10.
Bromomethane	74-83-9	Methane, bromo-	8010	20.
Methyl chloride;	74-87-3	Methane, chloro-	8240	10.
Chloromethane			8010	1.
3-Methylcholanthrene	56-49-5	Benz[j]aceanthrylene, 1,2-dihydro-3-methyl-	8240	10.
Methylene bromide;	74-95-3	Methane, dibromo-	8270	10.
Dibromomethane			8010	15.
Methylene chloride;	75-09-2	Methane, dichloro-	8240	5.
Dichloromethane			8010	5.
Methyl ethyl ketone;	78-93-3	2-Butanone	8015	10.
MEK			8240	100.
Methyl iodide;	74-88-4	Methane, iodo-	8010	40.
Iodomethane			8240	5.
Methyl methacrylate	80-62-6	2-Propenoic acid,	8015	2.

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Methyl methanesulfonate	66-27-3	2-methyl-, methyl ether Methanesulfonic acid, methyl ester	8240	5.
2-Methylnaphthalene	91-57-6	Naphthylene, 2-methyl-	8270	10.
Methyl parathion;	298-00-0	phosphorothioic acid, 0,0-dimethyl	8270	10.
0-	8140	0.5		
Parathion methyl		(4-nitrophenyl) ester	8270	10.
4-Methyl-2-pentanone;	108-10-0	2-Pentanone, 4-methyl-	8015	5.
Methyl isobutyl ketone			8240	50.
Naphthalene	91-20-3	Naphthalene	8100	200.
1,4-Naphthoquinone	130-15-4	1,4-Naphthalenedione	8270	10.
1-Naphthylamine	134-32-7	1-Naphthalenamine	8270	10.
2-Naphthylamine	91-59-8	2-Naphthalenamine	8270	10.
Nickel	(Total)	Nickel	6010	50.
0-Nitroaniline	88-74-4	Benzenamine, 2-nitro-	7520	400.
m-Nitroaniline	99-09-2	Benzenamine, 3-nitro-	8270	50.
p-Nitroaniline	100-01-6	Benzenamine, 4-nitro-	8270	50.
Nitrobenzene	98-95-3	Benzenamine, 4-nitro-	8270	50.
		Benzene, nitro-	8090	40.
o-Nitrophenol	88-75-5	Phenol, 2-nitro-	8270	10.
p-Nitrophenol	100-02-7	Phenol, 4-nitro-	8040	5.
			8270	10.
4-Nitroquinoline	56-57-5	Quinoline, 4-nitro-, 1-oxide	8270	50.
1-oxide			8270	10.
N-Nitrosodi-n-	924-16-3	1-Butanamine, N-butyl-N-nitroso-	8270	10.
butylamine				
N-Nitrosodiethylamine	55-18-5	Ethanamine, N-ethyl-N-nitroso-	8270	10.
N-Nitrosodimethylamine	62-75-9	Methanamine, N-methyl-N-nitroso-	8270	10.
N-Nitrosodiphenylamine	86-30-6	Benzenamine, N-nitroso-N-phenyl-	8270	10.
N-Nitrosodipropylamine;	621-64-7	1-Propanamine, N-nitroso-N-propyl-	8270	10.
Di-n-propylnitrosamine				
N-Nitrosomethylethy-				
lamine				
N-Nitrosomorpholine	10595-95-6	Ethanamine, N-methyl-N- -nitroso-	8270	10.
N-Nitrosopiperidine	59-89-2	Morpholine, 4-nitroso-	8270	10.
N-Nitrosopyrrolidine	100-75-4	Piperidine, 1-nitroso-	8270	10.
5-Nitro-o-toluidine	930-55-2	Pyrrolidine, 1-nitroso-	8270	10.
	99-55-8	Benzenamine, 2-methyl-5-nitro-	8270	10.



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Parathion	56-38-2	Phosphorothioic acid, 0,0-diethyl-0-(4-nitrophenyl) ester	8270 10.
Polychlorinated biphenyls; PCBs	See (g)	1,1'-Biphenyl, chloro derivatives	8080 50. 8250 100.
Polychlorinated dibenzo-p-dioxins; PCDDs	See (h)	Dibenzo[b,e][1,4]dioxin, chloro derivatives	8280 0.01
Polychlorinated dibenzofurans; PCDFs	See (i)	Bibenzofuran, chloro derivatives	8280 0.01
Pentachlorobenzene	608-93-5	Benzene, pentachloro-	8270 10. 8240 5.
Pentachloroethane	76-01-7	Ethane, pentachloro-	8270 10.
Pentachloronitrobenzene	82-68-8	Benzene, pentachloronitro-	8270 10.
Pentachlorophenol	87-86-5	Phenol, pentachloro-	8040 5. 8270 50.
Phenacetin	62-44-2	Acetamide, N-(4-ethoxyphenyl)	8270 10.
Phenanthrene	85-01-8	Phenanthrene	8100 200. 8270 10.
Phenol	108-95-2	Phenol	8040 1. 8270 10.
p-Phenylenediamine	106-50-3	1,4-Benzenediamine	8270 10.
Phorate	298-02-2	Phosphorodithioic acid, 0,0-diethyl S-[(ethylthio)methyl] ester	8140 2. 8270 10.
2-Picoline	109-06-8	Pyridine, 2-methyl-	8240 5. 8270 10. 8270 10.
Pronamide	23950-58-5	Benzamide, 3,5-dichloro-N-(1,1-dimethyl-2-propenyl)-	8015 60. 8240 5. 8100 200.
Propionitrile; Ethyl cyanide	107-12-0	Propanenitrile	8270 10.
Pyrene	129-00-0	Pyrene	8240 5. 8100 200.
Pyridine	110-86-1	Pyridine	8270 10. 8240 5.
Safrrole	94-59-7	1,3-Benzodioxole, 5-(2-propenyl)-	8270 10. 8270 10.
Selenium	(Total)	Selenium	6010 750. 7740 20. 7741 20.
Silver	(Total)	Silver	6010 70. 7760 100.
Silvex; 2,4,5-TP	93-72-1	Propanoic acid, 2-(2,4,5-	8150 2.
Styrene	100-42-5	trichlorophenoxy)-Benzene, ethenyl-	8020 1. 8240 5. 9030 10000.
Sulfide	18496-25-8	Sulfide	8150 2.
2,4,5-T; 2,4,5-Trichlorophenoxyacetic acid	93-76-5	Acetic acid, (2,4,5-trichlorophenoxy)-	8280 0.005
2,3,7,8-TCDD; 2,3,7,8-Tetrachlorodibenzo-p-dioxin	1746-01-8	Dibenzo[b,e][1,4]dioxin, 2,3,7,8-tetrachloro-	8270 10. 8010 5. 8240 5.
1,2,4,5-Tetrachlorobenzene	95-94-3	Benzene, 1,2,4,5-tetrachloro-	8010 0.5 8240 5. 8240 5.
1,1,1,2-Tetrachloroethane	630-20-6	Ethane, 1,1,1,2-tetrachloro-	8270 10. 8240 5.
1,1,2,2-Tetrachloroethane	79-34-5	Ethane, 1,1,2,2-tetrachloro-	8240 5. 8010 0.5 8240 5.
1,1,2,2-Tetrachloroethane	127-18-4	Ethene, tetrachloro-	8270 10.
2,3,4,6-Tetrachlorophenol	58-90-2	Phenol, 2,3,4,6-tetrachloro-	6010 400. 7840 1000. 7841 10. 7870 8000.
Tetraethyl dithiopyrophosphate; Sulfotep	3689-24-5	Thiiodiphosphoric acid, [(HO)(2)P(S)](2)O, tetraethyl ester	8020 2. 8240 5. 8270 10.
Thallium	(Total)	Thallium	8080 2. 8250 10. 8270 10.
Tin	(Total)	Tin	8240 5.
Toluene	108-88-3	Benzene, methyl-	8270 10.
o-Toluidine	95-53-4	Benzenamine, 2-methyl-	8080 2. 8250 10.
Toxaphene	8001-35-2	Toxaphene	8270 10. 8240 5.
1,2,4-Trichlorobenzene	120-82-1	Benzene, 1,2,4-trichloro-	8010 0.2 8240 5.
1,1,1-Trichloroethane; Methyl chloroform	71-55-6	Ethane, 1,1,1-trichloro-	8010 1. 8240 5.
1,1,2-Trichloroethane	79-00-5	Ethane, 1,1,2-trichloro-	8010 10. 8240 5.
Trichloroethylene; Trichloroethene	79-01-6	Ethene, trichloro-	8010 1. 8240 5.
Trichlorofluoromethane	75-69-4	Methane, trichlorofluoro-	8010 10. 8240 5.

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2,4,5-Trichlorophenol	95-96-4	Phenol, 2,4,5-trichloro-	8270	10.
2,4,6-Trichlorophenol	88-06-2	Phenol, 2,4,6-trichloro-	8040	5.
			8270	10.
1,2,3-Trichloropropane	96-18-4	Propane, 1,2,3-trichloro-	8010	10.
			8240	5.
			8270	10.
0,0,0-Triethyl phosphorothioate	126-68-1	Phosphorothioic acid, 0,0,0-triethyl ester	8270	10.
sym-Trinitrobenzene	99-35-4	Benzene, 1,3,5-trinitro-	6010	80.
Vanadium	(Total)	Vanadium	7910	2000.
			7911	40.
Vinyl acetate	108-05-4	Acetic acid, ethenyl ester	8240	5.
Vinyl chloride	75-01-4	Ethene, chloro-	8010	2.
Xylene (total)	1330-20-7	Benzene, dimethyl-	8240	10.
			8020	5.
Zinc	(Total)	Zinc	8240	5.
			6010	20.
			7950	50.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities
- 2) Code citation: 35 Ill. Adm. Code 726
- 3) Section numbers:
- |                |                         |
|----------------|-------------------------|
| 726.204        | <u>Proposed action:</u> |
| 726.206        | Amendment               |
| 726.207        | Amendment               |
| 726.300        | New Section             |
| 726.301        | New Section             |
| 726.302        | New Section             |
| 726.303        | New Section             |
| 726.304        | New Section             |
| 726.305        | New Section             |
| 726.306        | New Section             |
| 726.Appendix I | Amendment               |

4) Statutory authority: 415 ILCS 5/22.4 and 27

5) A complete description of the subjects and issues involved: A more detailed description is contained in the Board's proposed opinion of May 21, 1998, in R97-21/R98-3/R98-5 (consolidated), which opinion is available from the address below. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Sections 5-35 and 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Sections 5-35 and 5-40 of the IAPA, it is not subject to first notice or to second notice review by JCAR.

The R97-21/R98-3/R98-5 proceeding updates Parts 703, 720, 721, 722, 723, 724, 725, 726, 728, and 738 of the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the periods July 1, 1996 through December 31, 1996 (docket R97-21) and January 1, 1997 through June 30, 1997 (docket R98-5). It further updates the Illinois underground injection control (UIC) rules to correspond with amendments adopted by USEPA that appeared in the Federal Register during the period January 1, 1997 through June 30, 1997 (docket R98-3). During this period, USEPA amended its regulations as follows:

Docket R97-21: July 1, 1996 through December 31, 1996 RCRA  
Subtitle C Amendments

61 Fed. Reg. 34251  
(July 1, 1996)

USEPA adopted revisions establishing that only those non-municipal non-hazardous waste disposal units that meet specific standards may receive conditionally exempt small

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quantity generator (CESQG) hazardous wastes.

61 Fed. Reg. 36419  
(July 10, 1996)  
USEPA corrected typographic errors in certain of the April 8, 1996 Phase III land disposal restriction (LDR) amendments.

61 Fed. Reg. 40520  
(August 5, 1996)  
USEPA authorized additional segments of the Illinois RCRA Subtitle C hazardous waste program.

61 Fed. Reg. 43927  
(August 26, 1996)  
USEPA adopted emergency amendments to the April 8, 1996 Phase III land disposal restrictions (LDR) treatment standards for carbamate wastes due to analytical problems with those wastes.

61 Fed. Reg. 56531  
(November 4, 1996)  
USEPA published a correction to the text of its rules in the Code of Federal Regulations (40 CFR 266.100(c)(3)(i)) due to the fact that segments were missing from the text.

61 Fed. Reg. 59931  
(November 25, 1996)  
USEPA adopted "final" organic air emission standards for tanks, surface impoundments, and containers (the "Subpart CC" rules).

Docket R98-3: January 1, 1997 through June 30, 1997 UIC Amendments

62 Fed. Reg. 1834  
(January 14, 1997)  
USEPA amended the addresses for its Region V headquarters.

62 Fed. Reg. 25998  
(May 12, 1997)  
USEPA adopted the Phase IV land disposal restriction amendments for hazardous waste generated from wood processing operations.

Docket R98-5: January 1, 1997 through June 30, 1997 RCRA Subtitle C Amendments

62 Fed. Reg. 1678  
(January 13, 1997)  
USEPA changed the name and ownership of Envirote Corp. in a hazardous waste delisting.

62 Fed. Reg. 1834  
(January 14, 1997)  
USEPA amended the addresses for its Region V headquarters.

62 Fed. Reg. 1991  
(January 14, 1997)  
USEPA extended the national capacity variance for spent potliners from primary aluminum production (K088 waste) for 6 months.

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62 Fed. Reg. 6621  
(February 12, 1997)  
USEPA amended various parts of the rules to identify when conventional and chemical military munitions become hazardous waste under RCRA.

62 Fed. Reg. 7502  
(February 19, 1997)  
USEPA adopted technical amendments to the tables in the Phase III land disposal restriction rule.

62 Fed. Reg. 25998  
(May 12, 1997)  
USEPA adopted the Phase IV land disposal restriction amendments for hazardous waste generated from wood processing operations.

62 Fed. Reg. 32452  
(June 13, 1997)  
USEPA adopted amendments to the hazardous waste testing and monitoring regulations.

62 Fed. Reg. 32974  
(June 17, 1997)  
USEPA adopted amendments to hazardous waste regulations regarding delisting of carbamate waste as hazardous under RCRA.

The Board will not need to take action based on the federal actions of July 10, 1996, August 26, 1996, November 25, 1996, January 13, 1997, January 14, 1997 (K088 waste only), February 19, 1997 and June 17, 1997, since we took action in prior actions. No action will be required of the Board on the August 5, 1996 federal authorization of additional elements of the Illinois RCRA Subtitle C hazardous waste program and the Code of Federal Regulations correction of November 4, 1996.

The Board will need to act with regard to the rest of the federal actions-i.e., those of July 1, 1996, January 14, 1997 (change of address only), February 12, 1997, May 12, 1997, and June 13, 1997.

Summary List of Federal Actions Forming the Basis of the Board's Actions in this Docket

61 Fed. Reg. 34251  
(July 1, 1996)  
Revisions establishing that only those non-municipal non-hazardous waste disposal units that meet specific standards may receive CESQG hazardous wastes. (RCRA only)

62 Fed. Reg. 1834  
(January 14, 1997)  
Amendments to USEPA addresses. (RCRA only)

62 Fed. Reg. 6621  
(February 12, 1997)  
Amendments to segments of the rules that identify when conventional and chemical military munitions become hazardous waste under RCRA. (RCRA only)



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62 Fed. Reg. 25998  
(May 12, 1997)

Phase IV land disposal restriction amendments for hazardous waste generated from wood processing operations. (RCRA and UIC)

62 Fed. Reg. 32452  
(June 13, 1997)

Amendments to the hazardous waste testing and monitoring regulations. (RCRA only)

Specifically, the segment of the amendments of the broader R97-21/R98-3/R98-5 rulemaking that is involved in Part 726 implements segments of the February 12, 1997 military munitions rule and the June 13, 1997 testing and monitoring amendments. The Board has also used the opportunity of amendments to Part 726 to make a number of corrective amendments to the existing text of some provisions. Some of the corrections were requested by JCAR.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? Yes.  
The existing text of Part 726 includes references to documents incorporated by reference in 35 Ill. Adm. Code 720.111. A number of those references are under amendment in this segment of the R97-21/R98-3/R98-5 proceeding. Other references remain unaffected, and new references are added for the purposes of the military munitions rule.

9) Are there any other amendments pending on this Part? No

10) Statement of statewide policy objectives: This rulemaking imposes mandates on units of local government to the extent they may be involved in the generation, transportation, treatment, storage, or disposal of hazardous waste. These mandates are, however, identical in substance to mandates imposed by federal law.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R97-21/R98-3/R98-5 and be addressed to:

Ms. Dorothy M. Gunn, Clerk  
Illinois Pollution Control Board  
State of Illinois Center, Suite 11-500  
100 W. Randolph St.  
Chicago, IL 60601

Address all questions to Michael J. McCambridge, at 312-814-6924.

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Request copies of the Board's opinion and order from Victoria Agyeman, at 312-814-3620.

12) Initial regulatory flexibility analysis:

A) Types of small businesses, small municipalities, and not-for-profit corporations affected: This rulemaking affects those small businesses, small municipalities, and not-for-profit corporations that generate, transport, treat, store, or dispose of hazardous waste. The amendments involved in the R97-21/R98-3/R98-5 proceeding could affect the scope of affected entities to the extent a small business, small municipality, or not-for-profit corporation is involved in an activity involved in the amendments.

B) Reporting, bookkeeping or other procedures required for compliance: The existing rules and proposed amendments require extensive reporting, bookkeeping and other procedures, including the preparation of manifests and annual reports, waste analyses and maintenance of operating records. The amendments involved in the R97-21/R98-3/R98-5 proceeding could affect the burden of complying with the existing reporting, bookkeeping, or other procedures to the extent that an entity is involved in an activity involved in the amendments.

C) Types of professional skills necessary for compliance: Compliance with the existing rules and proposed amendments may require the services of an attorney, certified public accountant, chemist, and registered professional engineer. The amendments involved in the R97-21/R98-3/R98-5 proceeding could affect the types of professional skills required for complying with the existing reporting, bookkeeping, or other procedures to the extent that an entity is involved in an activity involved in the amendments.

13) Regulatory Agenda on which this rulemaking was summarized: July 1997 and January 1998

The full text of the Proposed Amendments begins on the next page.

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 726

STANDARDS FOR THE MANAGEMENT OF  
SPECIFIC HAZARDOUS WASTE AND SPECIFIC TYPES  
OF HAZARDOUS WASTE MANAGEMENT FACILITIES

SUBPART C: RECYCLABLE MATERIALS USED IN A  
MANNER CONSTITUTING DISPOSAL

SUBPART G: SPENT LEAD-ACID BATTERIES  
BEING RECLAIMED

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS  
AND INDUSTRIAL FURNACES

SUBPART M: MILITARY MUNITIONS

SUBPART F: RECYCLABLE MATERIALS UTILIZED FOR

Section  
726.120 Applicability  
726.121 Standards applicable to generators and transporters of materials used in a manner that constitutes disposal  
726.122 Standards applicable to storers, who are not the ultimate users, of materials that are to be used in a manner that constitutes disposal  
726.123 Standards Applicable to Users of Materials that are Used in a Manner that Constitutes Disposal

SUBPART D: HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY

Section  
726.130 Applicability (Repealed)  
726.131 Prohibitions (Repealed)  
726.132 Standards applicable to generators of hazardous waste fuel (Repealed)  
726.133 Standards applicable to transporters of hazardous waste fuel (Repealed)  
726.134 Standards applicable to marketers of hazardous waste fuel (Repealed)  
726.135 Standards applicable to burners of hazardous waste fuel (Repealed)  
726.136 Conditional exemption for spent materials and by-products exhibiting a characteristic of hazardous waste (Repealed)

SUBPART E: USED OIL BURNED FOR ENERGY RECOVERY (Repealed)

Section  
726.140 Applicability (Repealed)  
726.141 Prohibitions (Repealed)  
726.142 Standards applicable to generators of used oil burned for energy recovery (Repealed)  
726.143 Standards applicable to marketers of used oil burned for energy recovery (Repealed)  
726.144 Standards applicable to burners of used oil burned for energy recovery (Repealed)

Section  
726.170 Applicability and requirements

Section  
726.180 Applicability and requirements

Section  
726.200 Applicability  
726.201 Management prior to Burning  
726.202 Permit standards for Burners  
726.203 Interim Status Standards for Burners  
726.204 Standards to Control Organic Emissions  
726.205 Standards to control PM  
726.206 Standards to Control Metals Emissions  
726.207 Standards to control HCl and Chlorine Gas Emissions  
726.208 Small quantity On-site Burner Exemption  
726.209 Low risk waste Exemption  
726.210 Waiver of DRE trial burn for Boilers  
726.211 Standards for direct Transfer  
726.212 Regulation of Residues  
726.219 Extensions of Time

Section  
726.300 Applicability  
726.301 Definitions  
726.302 Definition of Solid Waste  
726.303 Standards Applicable to the Transportation of Solid Waste Military Munitions

726.304 Standards Applicable to Emergency Responses  
726.305 Standards Applicable to the Storage of Solid Waste Military Munitions  
726.306 Standards Applicable to the Treatment and Disposal of Waste Military Munitions

APPENDIX A Tier I and Tier II Feed Rate and Emissions Screening Limits for Metals  
APPENDIX B Tier I Feed Rate Screening Limits for Total Chlorine  
APPENDIX C Tier II Emission Rate Screening Limits for Free Chlorine and Hydrogen Chloride

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APPENDIX D Reference Air Concentrations  
 APPENDIX E Risk Specific Doses  
 APPENDIX F Stack Plume Rise  
 APPENDIX G Health-Based Limits for Exclusion of Waste-Derived Residues  
 APPENDIX H Potential PICs for Determination of Exclusion of Waste-Derived Residues

APPENDIX I Methods Manual for Compliance with BIF Regulations  
 APPENDIX J Guideline on Air Quality Models  
 APPENDIX K Lead-Bearing Materials That May Be Processed in Exempt Lead Smelters

APPENDIX L Nickel or Chromium-Bearing Materials that may be Processed in Exempt Nickel-Chromium Recovery Furnaces  
 APPENDIX M Mercury-Bearing Wastes That May Be Processed in Exempt Mercury Recovery Units

## TABLE A Exempt Quantities for Small Quantity Burner Exemption

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R85-22 at 10 Ill. Reg. 1162, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14156, effective August 12, 1986; amended in R87-26 at 12 Ill. Reg. 2900, effective January 15, 1988; amended in R89-1 at 13 Ill. Reg. 18606, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14533, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9727, effective June 17, 1991; amended in R91-13 at 16 Ill. Reg. 9858, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5865, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20904, effective November 22, 1993; amended in R94-7 at 18 Ill. Reg. 12500, effective July 29, 1994; amended in R95-6 at 19 Ill. Reg. 10006, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11263, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 754, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS  
 AND INDUSTRIAL FURNACES

## Section 726.204 Standards to control Organic Emissions

- a) DRE standard.
- 1) General. Except as provided in subsection (a)(3) below, a BIF burning hazardous waste must achieve a DRE of 99.99% for all organic hazardous constituents in the waste feed. To demonstrate conformance with this requirement, 99.99% DRE must be demonstrated during a trial burn for each principal organic hazardous constituent (POHC) designated (under subsection (a)(2) below) in its permit for each waste feed. DRE is determined for each POHC from the following equation:

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DRE =  $100(I - O)/I$

where:

I = Mass feed rate of one POHC in the hazardous waste fired to the BIF; and  
 O = Mass emission rate of the same POHC present in stack gas prior to release to the atmosphere.

- 2) Designation of POHCs. POHCs are those compounds for which compliance with the DRE requirements of this Section must be demonstrated in a trial burn in conformance with procedures prescribed in 35 Ill. Adm. Code 703.232. One or more POHCs must be designated by the Agency for each waste feed to be burned. POHCs must be designated based on the degree of difficulty of destruction of the organic constituents in the waste and on their concentrations or mass in the waste feed considering the results of waste analyses submitted with Part B of the permit application. POHCs are most likely to be selected from among those compounds listed in 35 Ill. Adm. Code 721. Appendix H that are also present in the normal waste feed. However, if the applicant demonstrates to the Agency that a compound not listed in 35 Ill. Adm. Code 721. Appendix H or not present in the normal waste feed is a suitable indicator of compliance with the DRE requirements of this Section, that compound must be designated as a POHC. Such POHCs need not be toxic or organic compounds.
  - 3) Dioxin-listed waste. A BIF burning hazardous waste containing (or derived from) USEPA Hazardous Wastes Nos. F020, F021, F022, F023, F026, or F027 must achieve a destruction and removal efficiency (DRE) of 99.9999% for each POHC designated (under subsection (a)(2) above) in its permit. This performance must be demonstrated on POHCs that are more difficult to burn than tetra-, penta- and hexachlorodibenzo-p-dioxins and dibenzofurans. DRE is determined for each POHC from the equation in subsection (a)(1) above. In addition, the owner or operator of the BIF shall notify the Agency of intent to burn USEPA Hazardous Waste Nos. F020, F021, F022, F023, F026 or F027.
  - 4) Automatic waiver of DRE trial burn. Owners and operators of boilers operated under the special operating requirements provided by Section 726.210 are considered to be in compliance with the DRE standard of subsection (a)(1) above and are exempt from the DRE trial burn.
    - 5) Low risk waste. Owners and operators of BIFs that burn hazardous waste in compliance with the requirements of Section 726.209(a) are considered to be in compliance with the DRE standard of subsection (a)(1) above and are exempt from the DRE trial burn.
- b) CO standard.
  - 1) Except as provided in subsection (c) below, the stack gas



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concentration of CO from a BIF burning hazardous waste cannot exceed 100 ppmv on an hourly rolling average basis (i.e., over any 60 minute period), continuously corrected to 7% percent oxygen, dry gas basis.

2) CO and oxygen must be continuously monitored in conformance with "Performance Specifications for Continuous Emission Monitoring of Carbon Monoxide and Oxygen for Incinerators, Boilers, and Industrial Furnaces Burning Hazardous Waste" in Section 726.Appendix I.

3) Compliance with the 100 ppmv CO limit must be demonstrated during the trial burn (for new facilities or an interim status facility applying for a permit) or the compliance test (for interim status facilities). To demonstrate compliance, the highest hourly rolling average CO level during any valid run of the trial burn or compliance test must not exceed 100 ppmv.

- c) Alternative CO standard.
- 1) The stack gas concentration of CO from a BIF burning hazardous waste may exceed the 100 ppmv limit provided that stack gas concentrations of HCs do not exceed 20 ppmv, except as provided by subsection (f) below for certain industrial furnaces.
- 2) HC limits must be established under this Section on an hourly rolling average basis (i.e., over any 60 minute period), reported as propane, and continuously corrected to 7% percent oxygen, dry gas basis.
- 3) HC must be continuously monitored in conformance with "Performance Specifications for Continuous Emission Monitoring of Hydrocarbons for Incinerators, Boilers, and Industrial Furnaces Burning Hazardous Waste" in Section 726.Appendix I. CO and oxygen must be continuously monitored in conformance with subsection (b)(2) above.
- 4) The alternative CO standard is established based on CO data during the trial burn (for a new facility) and the compliance test (for an interim status facility). The alternative CO standard is the average over all valid runs of the highest hourly average CO level for each run. The CO limit is implemented on an hourly rolling average basis, and continuously corrected to 7% percent oxygen, dry gas basis.
- d) Special requirements for furnaces. Owners and operators of industrial furnaces (e.g., kilns, cupolas) that feed hazardous waste for a purpose other than solely as an ingredient (see Section 726.203(a)(5)(B)) at any location other than the end where products are normally discharged and where fuels are normally fired must comply with the HC limits provided by subsection **subsections** (c) above or (f) below irrespective of whether stack gas CO concentrations meet the 100 ppmv limit of subsection (b) above.
- e) Controls for dioxins and furans. Owners and operators of BIFs that are equipped with a dry PM control device that operates within the temperature range of 450 through 750° F, and industrial furnaces

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operating under an alternative HC limit established under subsection (f) below shall conduct a site-specific risk assessment as follows to demonstrate that emissions of chlorinated dibenzo-p-dioxins and dibenzofurans do not result in an increased lifetime cancer risk to the hypothetical maximum exposed individual (MEI) exceeding 1x10<sup>-5</sup> (1 in 100,000):

- 1) During the trial burn (for new facilities or an interim status facility applying for a permit) or compliance test (for interim status facilities), determine emission rates of the tetra-octa congeners of chlorinated dibenzo-p-dioxins (**tePeBs**) and dibenzofurans (CDFs/CDFs) using Method 0023A, "Sampling Method for Polychlorinated Dibenzo-p-Dioxins and Polychlorinated Dibenzofurans Emissions from Stationary Sources," US EPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111 "determination-of-Polychlorinated-Dibenzo-p-Dioxins and--Polychlorinated--Dibenzofurans---(tePeBs)---from---Stationary Sources",--in-Appendix-I;
- 2) Estimate the 2,3,7,8-TCDD toxicity equivalence of the tetra-octa CDFs/CDFs congeners using "Procedures for Estimating the Toxicity Equivalence of Chlorinated Dibenzo-p-Dioxin and Dibenzofuran Congeners" in Section 726.Appendix I. Multiply the emission rates of CDF/CDF congeners with a toxicity equivalence greater than zero (see the procedure) by the calculated toxicity equivalence factor to estimate the equivalent emission rate of 2,3,7,8-TCDD;
- 3) Conduct dispersion modeling using methods recommended in 40 CFR 51, Appendix W, as incorporated by reference at 35 Ill. Adm. Code 720.111 ("Guideline on Air Quality Models (Revised)" (1986) and its supplements), the "Hazardous Waste Combustion Air Quality Screening Procedure", provided in Appendix I, or in "Screening Procedures for Estimating Air Quality Impact of Stationary Sources, Revised" (incorporated by reference in 35 Ill. Adm. Code 720.111) to predict the maximum annual average off-site ground level concentration of 2,3,7,8-TCDD equivalents determined under subsection (e)(2) above. The maximum annual average on-site concentration must be used when a person resides on-site; and
- 4) The ratio of the predicted maximum annual average ground level concentration of 2,3,7,8-TCDD equivalents to the risk-specific dose (RSD) for 2,3,7,8-TCDD provided in Section 726.Appendix E (2.2x10<sup>-7</sup>) must not exceed 1.0.
- f) Monitoring CO and HC in the by-pass duct of a cement kiln. Cement kilns may comply with the CO and HC limits provided by subsections (b), (c) and (d) above by monitoring in the by-pass duct provided that:
- 1) Hazardous waste is fired only into the kiln and not at any location downstream from the kiln exit relative to the direction of gas flow; and
- 2) The by-pass duct diverts a minimum of 10% of kiln off-gas into

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the duct.

- g) Use of emissions test data to demonstrate compliance and establish operating limits. Compliance with the requirements of this Section must be demonstrated simultaneously by emissions testing or during separate runs under identical operating conditions. Further, data to demonstrate compliance with the CO and HC limits of this Section or to establish alternative CO or HC limits under this Section must be obtained during the time that DRE testing, and where applicable, CDD/CDF testing under subsection (e) above and comprehensive organic emissions testing under subsection (f) above is conducted.
- h) Enforcement. For the purposes of permit enforcement, compliance with the operating requirements specified in the permit (under Section 726.202) will be regarded as compliance with this Section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the requirements of this Section is "information" justifying modification or revocation and re-issuance of a permit under 35 Ill. Adm. Code 703.270 et seq.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 726.206 Standards to control Metals Emissions

- a) General. The owner or operator shall comply with the metals standards provided by subsections (b), (c), (d), (e) or (f) below for each metal listed in subsection (b) below that is present in the hazardous waste at detectable levels using analytical procedures specified in Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111.
- b) Tier I feed rate screening limits. Feed rate screening limits for metals are specified in Section 726.Appendix A as a function of terrain-adjusted effective stack height (TESH) and terrain and land use in the vicinity of the facility. Criteria for facilities that are not eligible to comply with the screening limits are provided in subsection (b)(7) below.
- 1) Noncarcinogenic metals. The feed rates of the noncarcinogenic metals in all feed streams, including hazardous waste, fuels and industrial furnace feed stocks must not exceed the screening limits specified in Section 726.Appendix A.
    - A) The feed rate screening limits for antimony, barium, mercury, thallium and silver are based on either:
      - i) An hourly rolling average as defined in Sections 726.200(g) and 726.202(e)(6)(A)(ii); or
      - ii) An instantaneous limit not to be exceeded at any time.
    - B) The feed rate screening limit for lead is based on one of the following:
      - i) An hourly rolling average as defined in Sections

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- 726.200(g) and 726.202(e)(6)(A)(ii);
  - ii) An averaging period of 2 to 24 hours as defined in Section 726.202(e)(6)(B) with an instantaneous feed rate limit not to exceed 10 times the feed rate that would be allowed on an hourly rolling average basis; or
  - iii) An instantaneous limit not to be exceeded at any time.
- 2) Carcinogenic metals.
- A) The feed rates of carcinogenic metals in all feed streams, including hazardous waste, fuels and industrial furnace feed stocks must not exceed values derived from the screening limits specified in Section 726.Appendix A. The feed rate of each of these metals is limited to a level such that the sum of the ratios of the actual feed rate to the feed rate screening limit specified in Section 726.Appendix A must not exceed 1.0, as provided by the following equation:

$$\sum_{i=1}^n \frac{A[i]}{F[i]} \leq 1.0$$

where:

$\sum_{i=1}^n \frac{A[i]}{F[i]}$  means the sum of the values of  $A/F$  for each metal "i", from  $i = 1$  to  $n$ .

$n$  = number of carcinogenic metals.

$A[i]$  = the actual feed rate to the device for metal "i".

$F[i]$  = the feed rate screening limit provided by Section 726.Appendix A for metal "i".

- B) The feed rate screening limits for the carcinogenic metals are based on either:
  - i) An hourly rolling average; or
  - ii) An averaging period of 2 to 24 hours, as defined in Section 726.202(e)(6)(B), with an instantaneous feed rate limit not to exceed 10 times the feed rate that would be allowed on an hourly rolling average basis.

- 3) TESH (terrain adjusted effective stack height).

- A) The TESH is determined according to the following equation:

$$TESH = H + P - T$$

where:

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H = Actual physical stack height (m).

P = Plume rise (in m) as determined from Section 726. Appendix F as a function of stack flow rate and stack gas exhaust temperature.

T = Terrain rise (in m) within five kilometers of the stack.

- B) The stack height (H) must not exceed good engineering practice stack height, as defined in Section 726.200(g).
- C) If the TESH calculated pursuant to subsection (b)(3)(A) above is not listed in Sections 726. Appendix A through 726. Appendix C, the values for the nearest lower TESH listed in the table must be used. If the TESH is 4 four meters or less, a value based on 4 four meters must be used.
- 4) Terrain type. The screening limits are a function of whether the facility is located in noncomplex or complex terrain. A device located where any part of the surrounding terrain within 5 kilometers of the stack equals or exceeds the elevation of the physical stack height (H) is considered to be in complex terrain and the screening limits for complex terrain apply. Terrain measurements are to be made from U.S. Geological Survey 7.5-minute topographic maps of the area surrounding the facility.
- 5) Land use. The screening limits are a function of whether the facility is located in an area where the land use is urban or rural. To determine whether land use in the vicinity of the facility is urban or rural, procedures provided in Section 726. Appendix I or Section 726. Appendix J shall be used.
- 6) Multiple stacks. Owners and operators of facilities with more than one on-site stack from a BIF, incinerator or other thermal treatment unit subject to controls of metals emissions under a RCRA permit or interim status controls shall comply with the screening limits for all such units assuming all hazardous waste is fed into the device with the worst-case stack based on dispersion characteristics. The stack with the lowest value of K is the worst-case stack. K is determined from the following equation as applied to each stack:

$$K = H \times V \times T$$

Where:

K = a parameter accounting for relative influence of stack height and plume rise;

H = physical stack height (meters);

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V = stack gas flow rate (m(3)/sec (cubic meters per second); and

- 7) T = exhaust temperature (degrees K). Criteria for facilities not eligible for screening limits. If any criteria below are met, the Tier I (and Tier II) screening limits do not apply. Owners and operators of such facilities shall comply with either the Tier III standards provided by subsection (d) below or with the adjusted Tier I feed rate screening limits provided by subsection (e) below.

- A) The device is located in a narrow valley less than one kilometer wide;
- B) The device has a stack taller than 20 meters and is located such that the terrain rises to the physical height within one kilometer of the facility;
- C) The device has a stack taller than 20 meters and is located within 5 five kilometers of a shoreline of a large body of water such as an ocean or large lake;
- D) The physical stack height of any stack is less than 2.5 times the height of any building within five building heights or five projected building widths of the stack and the distance from the stack to the closest boundary is within five building heights or five projected building widths of the associated building;--or.

But the--Agency-determines-that-standards-based-on-site-specific dispersion-modeling-are-required.

- 8) Implementation. The feed rate of metals in each feedstream must be monitored to ensure that the feed rate screening limits are not exceeded.

- c) Tier II emission rate screening limits. Emission rate screening limits are specified in Section 726. Appendix A as a function of TESH and terrain and land use in the vicinity of the facility. Criteria for facilities that are not eligible to comply with the screening limits are provided in subsection (b)(7) above.

- 1) Noncarcinogenic metals. The emission rates of noncarcinogenic metals must not exceed the screening limits specified in Section 726. Appendix A.

- 2) Carcinogenic metals. The emission rates of carcinogenic metals must not exceed values derived from the screening limits specified in Section 726. Appendix A. The emission rate of each of these metals is limited to a level such that the sum of the ratios of the actual emission rate to the emission rate screening limit specified in Appendix A must not exceed 1.0, as provided by the following equation:

$$\sum_{i=1}^n \frac{A[i]/E[i]}{E[i]} \leq 1.0$$



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where:

$\text{SUM A[i]/E[i]}$  means the sum of the values of  $A/E$  for each metal "i", from  $i = 1$  to  $n$ .

$n$  = number of carcinogenic metals.

$A[i]$  = the actual emission rate for metal "i".

$E[i]$  = the emission rate screening limit provided by Section 726. Appendix A for metal "i".

- 3) Implementation. The emission rate limits must be implemented by limiting feed rates of the individual metals to levels during the trial burn (for new facilities or an interim status facility applying for a permit) or the compliance test (for interim status facilities). The feed rate averaging periods are the same as provided by subsections (b)(1)(A), (b)(1)(B), and (b)(2)(B) above. The feed rate of metals in each feedstream must be monitored to ensure that the feed rate limits for the feedstreams specified under Sections 726.202 or 726.203 are not exceeded.
- 4) Definitions and limitations. The definitions and limitations provided by subsection (b) above and 726.200(g) for the following terms also apply to the Tier II emission rate screening limits provided by subsection (c): TESH, good engineering practice stack height, terrain type, land use and criteria for facilities not eligible to use the screening limits.
- 5) Multiple stacks.
  - A) Owners and operators of facilities with more than one on-site stack from a BIF, incinerator or other thermal treatment unit subject to controls on metals emissions under a RCRA permit or interim status controls shall comply with the emissions screening limits for any such stacks assuming all hazardous waste is fed into the device with the worst-case stack based on dispersion characteristics.
  - B) The worst-case stack is determined by procedures provided in subsection (b)(6) above.
  - C) For each metal, the total emissions of the metal from those stacks must not exceed the screening limit for the worst-case stack.
- d) Tier III site-specific risk assessment. The requirements of this subsection apply to facilities complying with either the Tier III or Adjusted Tier I except where specified otherwise.
  - 1) General. Conformance with the Tier III metals controls must be demonstrated by emissions testing to determine the emission rate for each metal. In addition, conformance with either Tier III or Adjusted Tier I metals controls must be demonstrated by air dispersion modeling to predict the maximum annual average

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off-site ground level concentration for each metal and a demonstration that acceptable ambient levels are not exceeded. Acceptable ambient levels. Sections 726. Appendix D and 726. Appendix E list the acceptable ambient levels for purposes of this Subpart. Reference air concentrations (RACs) are listed for the noncarcinogenic metals and  $1 \times 10^{-5}$  RSDs are listed for the carcinogenic metals. The RSD for a metal is the acceptable ambient level for that metal provided that only one of the four carcinogenic metals is emitted. If more than one carcinogenic metal is emitted, the acceptable ambient level for the carcinogenic metals is a fraction of the RSD as described in subsection (d)(3) below.

- 2) Carcinogenic metals. For the carcinogenic metals the sum of the ratios of the predicted maximum annual average off-site ground level concentrations (except that on-site concentrations must be considered if a person resides on site) to the RSD for all carcinogenic metals emitted must not exceed 1.0 as determined by the following equation:

$$\sum_{i=1}^n \frac{\text{P}[i]}{\text{R}[i]} \leq 1.0$$

$$\text{SUM}(\text{P}[i]/\text{R}[i]) \leq 1.0$$

where:

$\text{SUM P}[i]/\text{R}[i]$  means the sum of the values of  $P/R$  for each metal "i", from  $i = 1$  to  $n$ .

$n$  = number of carcinogenic metals.

$P[i]$  = the predicted ambient concentration for metal i.

$R[i]$  = the RSD for metal i.

- 4) Noncarcinogenic metals. For the noncarcinogenic metals, the predicted maximum annual average off-site ground level concentration for each metal must not exceed the RAC.
- 5) Multiple stacks. Owners and operators of facilities with more than one on-site stack from a BIF, incinerator or other thermal treatment unit subject to controls on metals emissions under a RCRA permit or interim status controls shall conduct emissions testing (except that facilities complying with Adjusted Tier I controls need not conduct emissions testing) and dispersion modeling to demonstrate that the aggregate emissions from all such on-site stacks do not result in an exceedance of the acceptable ambient levels.

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subection does not exceed 1.0.

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6) Implementation. Under Tier III, the metals controls must be implemented by limiting feed rates of the individual metals to levels during the trial burn (for new facilities or an interim status facility applying for a permit) or the compliance test (for interim status facilities). The feed rate averaging periods are the same as provided by subsections (b)(1)(A), (b)(1)(B), and (b)(2)(B) above. The feed rate of metals in each feedstream must be monitored to ensure that the feed rate limits for the feedstreams specified under Sections 726.202 or 726.203 are not exceeded.

e) Adjusted Tier I feed rate screening limits. The owner or operator may adjust the feed rate screening limits provided by Section 726.202 to account for site-specific dispersion modeling. Under this approach, the adjusted feed rate screening limit for a metal is determined by back-calculating from the acceptable ambient levels provided by Sections 726.202 and 726.203. Emission rate screening modeling to determine the maximum allowable emission rate. This emission rate becomes the adjusted Tier I feed rate screening limit. The feed rate screening limits for carcinogenic metals are implemented as prescribed in subsection (b)(2) above.

f) Alternative implementation approaches.

1) Pursuant to subsection (f)(2) below the Agency shall approve on a case-by-case basis approaches to implement the Tier II or Tier III metals emission limits provided by subsection (b)(2) or (d) above alternative to monitoring the feed rate of metals in each feedstream.

2) The emission limits provided by subsection (d) above must be determined as follows:

A) For each noncarcinogenic metal, by back-calculating from the RAC provided in Section 726.202 to determine the allowable emission rate for each metal using the dilution factor for the maximum annual average ground level concentration predicted by dispersion modeling in conformance with subsection (h) below; and

B) For each carcinogenic metal by:  
i) Back-calculating from the RSD provided in Section 726.202 to determine the allowable emission rate for each metal if that metal were the only carcinogenic metal emitted using the dilution factor for the maximum annual average ground level concentration predicted by dispersion modeling in conformance with subsection (h) below; and

ii) If more than one carcinogenic metal is emitted, selecting an emission limit for each carcinogenic metal not to exceed the emission rate determined by subsection (f)(2)(B)(i) above, such that the sum for all carcinogenic metals of the ratios of the selected emission limit to the emission rate determined by that

g) Emission testing.  
1) General. Emission testing for metals must be conducted using Method 0060, "Determinations of Metals in Stack Emissions," USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111 the Multiple-Metals Train as described in Appendix F.  
2) Hexavalent chromium. Emissions of chromium are assumed to be hexavalent chromium unless the owner or operator conducts emissions testing to determine hexavalent chromium emissions using procedures prescribed in Method 0061, "Determination of Hexavalent Chromium Emissions from Stationary Sources," USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111 Appendix-F.

h) Dispersion modeling. Dispersion modeling required under this Section must be conducted according to methods recommended in 40 CFR 51, appendix W ("Guideline on Air Quality Models (Revised)" (1986) and its supplements), the "Hazardous Waste Combustion Air Quality Screening Procedure" described in Section 726.202, or in "Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised" (incorporated by reference in 35 Ill. Adm. Code 720.111) to predict the maximum annual average off-site ground level concentration. However, on-site concentrations must be considered when a person resides on-site.

i) Enforcement. For the purposes of permit enforcement, compliance with the operating requirements specified in the permit (under Section 726.202) will be regarded as compliance with this Section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the requirements of this Section is "information" justifying modification or revocation and re-issuance of a permit under 35 Ill. Adm. Code 703.270 et seq.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 726.207 Standards to Control HCl and Chlorine Gas Emissions

a) General. The owner or operator shall comply with the HCl and chlorine gas controls provided by subsection (b), (c), or (e), below.

b) Screening limits.

1) Tier I feed rate screening limits. Feed rate screening limits are specified for total chlorine in Section 726.202. Appendix B as a function of TESH and terrain and land use in the vicinity of the facility. The feed rate of total chlorine and chloride, both organic and inorganic, in all feed streams, including hazardous waste, fuels and industrial furnace feed stocks must not exceed the levels specified.

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- 2) Tier II emission rate screening limits. Emission rate screening limits for HCl and chlorine gas are specified in Section 726.Appendix C as a function of TESH and terrain and land use in the vicinity of the facility. The stack emission rates of HCl and chlorine gas must not exceed the levels specified.
- 3) Definitions and limitations. The definitions and limitations provided by Section 726.200(g) and 726.206(b) for the following terms also apply to the screening limits provided by this subsection: TESH, good engineering practice stack height, terrain type, land use and criteria for facilities not eligible to use the screening limits.
- 4) Multiple stacks. Owners and operators of facilities with more than one on-site stack from a BIF, incinerator or other thermal treatment unit subject to controls on HCl or chlorine gas emissions under a RCRA permit or interim status controls shall comply with the Tier I and Tier II screening limits for those stacks assuming all hazardous waste is fed into the device with the worst-case stack based on dispersion characteristics.

A) The worst-case stack is determined by procedures provided in Section 726.206(b)(6).

B) Under Tier I, the total feed rate of chlorine and chloride to all subject devices must not exceed the screening limit for the worst-case stack.

C) Under Tier II, the total emissions of HCl and chlorine gas from all subject stacks must not exceed the screening limit for the worst-case stack.

c) Tier III site-specific risk assessments.

1) General. Conformance with the Tier III controls must be demonstrated by emissions testing to determine the emission rate for HCl and chlorine gas, air dispersion modeling to predict the maximum annual average off-site ground level concentration for each compound, and a demonstration that acceptable ambient levels are not exceeded.

2) Acceptable ambient levels. Section 726.Appendix D lists the RACs for HCl (7 ug/cu m) and chlorine gas (0.4 ug/cu m).

3) Multiple stacks. Owners and operators of facilities with more than one on-site stack from a BIF, incinerator or other thermal treatment unit subject to controls on HCl or chlorine gas emissions under a RCRA permit or interim status controls shall conduct emissions testing and dispersion modeling to demonstrate that the aggregate emissions from all such on-site stacks do not result in an exceedance of the acceptable ambient levels for HCl and chlorine gas.

d) Averaging periods. The HCl and chlorine gas controls are implemented by limiting the feed rate of total chlorine and chloride in all feedstreams, including hazardous waste, fuels and industrial furnace feed stocks. Under Tier I, the feed rate of total chlorine and chloride is limited to the Tier I Screening Limits. Under Tier II and

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Tier III, the feed rate of total chlorine and chloride is limited to the feed rates during the trial burn (for new facilities or an interim status facility applying for a permit) or the compliance test (for interim status facilities). The feed rate limits are based on either:

- 1) An hourly rolling average as defined in Section 726.200(g) and 726.202(e)(6); or
- 2) An instantaneous basis not to be exceeded at any time.

e) Adjusted Tier I feed rate screening limits. The owner or operator may adjust the feed rate screening limit provided by Section 726.Appendix B to account for site-specific dispersion modeling. Under this approach, the adjusted feed rate screening limit is determined by back-calculating from the acceptable ambient level for chlorine gas provided by Section 726.Appendix D using dispersion modeling to determine the maximum allowable emission rate. This emission rate becomes the adjusted Tier I feed rate screening limit.

f) Emissions testing. Emissions testing for HCl and chlorine gas [Cl<sub>2</sub>] must be conducted using the procedures described in Method 0050 or 0051L, USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111 Section 726.Appendix-I-(f)(e)(v).

g) Dispersion modeling. Dispersion modeling must be conducted according to the provisions of Section 726.206(h).

h) Enforcement. For the purposes of permit enforcement, compliance with the operating requirements specified in the permit (under Section 726.202) will be regarded as compliance with this Section. However, evidence that compliance with those permit conditions is insufficient to ensure compliance with the requirements of this Section is "information" justifying modification or revocation and re-issuance of a permit under 35 Ill. Adm. Code 703.270 et seq.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART M: MILITARY MUNITIONSSection 726.300 Applicability

a) The regulations in this Subpart identify when military munitions become a solid waste, and, if these wastes are also hazardous under this Subpart M or 35 Ill. Adm. Code 721, the management standards that apply to these wastes.

b) Unless otherwise specified in this Subpart M, all applicable requirements in 35 Ill. Adm. Code 702, 703, 705, 720 through 726, and 728 apply to waste military munitions.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 726.301 Definitions



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In addition to the definitions in 35 Ill. Adm. Code 720.110, the following definitions apply to this Subpart M:

"Active range" means a military range that is currently in service and is being regularly used for range activities.

"Chemical agents" and "munitions" are defined as in the Department of Defense Authorization Act of 1986, 50 U.S.C. 1521(j)(1) (1997), incorporated by reference in 35 Ill. Adm. Code 720.111.

"Director" is as defined in 35 Ill. Adm. Code 702.110.

"Explosives or munitions emergency response specialist" is as defined in 35 Ill. Adm. Code 720.110.

"Explosives or munitions emergency" is as defined in 35 Ill. Adm. Code 720.110.

"Explosives or munitions emergency response" is as defined in 35 Ill. Adm. Code 720.110.

"Inactive range" means a military range that is not currently being used but that is still under military control and considered by the military to be a potential range area and that has not been put to a new use that is incompatible with range activities.

"Military" means the United States (U.S.) Department of Defense (DOD), the Armed Services, Coast Guard, National Guard, Department of Energy (DOE) or other parties under contract or acting as an agent for the foregoing who handle military munitions.

"Military munitions" is as defined in 35 Ill. Adm. Code 720.110.

"Military range" means designated land and water areas that are set aside, managed, and used to conduct research on, develop, test, and evaluate military munitions and explosives, other ordnance, or weapon systems, or that are set aside, managed, and used to train military personnel in their use and handling. Ranges include firing lines and positions, maneuver areas, firing lanes, test pads, detonation pads, impact areas, and buffer zones with restricted access and exclusionary areas.

"Unexploded ordnance" or "UXO" means military munitions that have been primed, fused, armed, or otherwise prepared for action and that have been fired, dropped, launched, projected, or placed in such a manner as to constitute a hazard to operations, installation, personnel, or material and remain unexploded either by malfunction, design, or any other cause.

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(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 726.302 Definition of Solid Waste**

a) Military munition is not a solid waste when any of the following situations describes the munition:

1) It is used for its intended purpose, including any of the following uses:

A) Use in training military personnel or explosives and munitions emergency response specialists (including training in proper destruction of unused propellant or other munitions);

B) Use in research, development, testing, and evaluation of military munitions, weapons, or weapon systems; or

C) Recovery, collection, and on-range destruction of unexploded ordnance and munitions fragments during range clearance activities at active or inactive ranges. However, "use for intended purpose" does not include the on-range disposal or burial of unexploded ordnance and contaminants when the burial is not a result of product use.

2) It is an unused munition or component thereof, it is being repaired, reused, recycled, reclaimed, disassembled, reconfigured, or otherwise subjected to materials recovery activities, unless such activities involve use constituting disposal, as defined in 35 Ill. Adm. Code 721.102(c)(1), or it is burned for energy recovery, as defined in 35 Ill. Adm. Code 721.102(c)(2).

b) An unused military munition is a solid waste when any of the following occurs:

1) The munition is abandoned by being disposed of, burned, detonated (except during intended use as specified in subsection (a) of this Section), incinerated, or treated prior to disposal;

2) The munition is removed from storage in a military magazine or other storage area for the purpose of being disposed of, burned, incinerated, or treated prior to disposal;

3) The munition is deteriorated or damaged (e.g., the integrity of the munition is compromised by cracks, leaks, or other damage) to the point that it cannot be put into serviceable condition, and cannot reasonably be recycled or used for other purposes; or

4) The munition has been declared a solid waste by an authorized military official.

c) A used or fired military munition is a solid waste when either of the following activities occurs with regard to the munition:

1) The munition is transported off-range or from the site of use (where the site of use is not a range) for the purpose of storage, reclamation, treatment, disposal, or treatment prior to disposal; or

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- 2) The munition is recovered, collected, and then disposed of by burial or landfilling either on or off a range.
- d) For purposes of RCRA section 1004(27) (42 U.S.C. 6903(27) (1996)), a used or fired military munition is a solid waste, and, therefore, is potentially subject to RCRA corrective action authorities under sections 3004(u) and (v) (42 U.S.C. 6924(u) and (v) (1996)), and 3008(h) (42 U.S.C. 6928(h) (1996)) or to imminent and substantial endangerment authorities under section 7003 if the munition lands off-range and is not promptly rendered safe or retrieved. Any imminent and substantial threats associated with any remaining material must be addressed. If remedial action is infeasible, the operator of the range shall maintain a record of the event for as long as any threat remains. The record shall include the type of munition and its location (to the extent the location is known).

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 726.303 Standards Applicable to the Transportation of Solid Waste Military Munitions

- a) Criteria for hazardous waste regulation of waste non-chemical military munitions in transportation.

1) Waste military munitions that are being transported and that exhibit a hazardous waste characteristic or that are listed as hazardous waste under 40 CFR 261 are subject to regulation under 35 Ill. Adm. Code 702, 703, 705, 720 through 726, and 728, unless the munitions meet all the following conditions:

- A) The waste military munitions are not chemical agents or chemical munitions;
- B) The waste military munitions are transported in accordance with the Department of Defense shipping controls applicable to the transport of military munitions;
- C) The waste military munitions are transported from a military-owned or -operated installation to a military-owned or -operated treatment, storage, or disposal facility; and
- D) The transporter of the waste shall provide oral notice to the Agency within 24 hours from the time when either the transporter becomes aware of any loss or theft of the waste military munitions or when any failure to meet a condition of subsection (a)(1) of this Section occurs that may endanger human health or the environment. In addition, a written submission describing the circumstances shall be provided within five days from the time when the transporter becomes aware of any loss or theft of the waste military munitions or when any failure to meet a condition of subsection (a)(1) of this Section occurs.

- 2) If any waste military munitions shipped under subsection (a)(1)

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of this Section are not received by the receiving facility within 45 days after the day the waste was shipped, the owner or operator of the receiving facility shall report this non-receipt to the Agency within five days.

- 3) The conditional exemption from regulation as hazardous waste in subsection (a)(1) of this Section shall apply only to the transportation of non-chemical waste military munitions. It does not affect the regulatory status of waste military munitions as hazardous wastes with regard to storage, treatment, or disposal.
- 4) The conditional exemption in subsection (a)(1) of this Section applies only so long as all of the conditions in subsection (a)(1) of this Section are met.

- b) Reinstatement of exemption. If any waste military munition loses its exemption under subsection (a)(1) of this Section, the transporter may file an application for reinstatement of the exemption from hazardous waste transportation regulation with respect to such munition as soon as the munition is returned to compliance with the conditions of subsection (a)(1) of this Section. If the Agency finds that reinstatement of the exemption is appropriate based on factors such as the transporter's provision of a satisfactory explanation of the circumstances of the violation, or a demonstration that the violations are not likely to recur, the Agency may reinstate the exemption under subsection (a)(1) of this Section. If the Agency does not take action on the reinstatement application within 60 days after receipt of the application, then reinstatement shall be deemed granted, retroactive to the date of the application. However, the Agency may terminate a conditional exemption reinstated by default under the preceding sentence if the Agency finds that reinstatement is inappropriate based on factors such as the transporter's failure to provide a satisfactory explanation of the circumstances of the violation, or failure to demonstrate that the violations are not likely to recur. In reinstating the exemption under subsection (a)(1) of this Section, the Agency may specify additional conditions as are necessary to ensure and document proper transportation to protect human health and the environment.

- c)

Amendments to DOD shipping controls. The Department of Defense shipping controls applicable to the transport of military munitions referenced in subsection (a)(1)(A) of this Section are Government Bill of Lading (GBL) (GSA Standard Form 1109), Requisition Tracking Form (DD Form 1348), the Signature and Tally Record (DD Form 1907), Special Instructions for Motor Vehicle Drivers (DD Form 836), and the Motor Vehicle Inspection Report (DD Form 626) in effect on November 8, 1995, incorporated by reference in 35 Ill. Adm. Code 720.111.

BOARD NOTE: 40 CFR 266.203(c), as added at 62 Fed. Reg. 6655 (Feb. 12, 1997), further provides as follows: "Any amendments to the Department of Defense shipping controls shall become effective for purposes of paragraph (a)(1) of this section on the date the Department of Defense publishes notice in the Federal Register that



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the shipping controls referenced in paragraph (a)(1)(ii) of this section have been amended." Section 5-75 of the Illinois Administrative Procedure Act [5 ILCS 100/5-75] prohibits the incorporation of later amendments and editions by reference. For this reason, interested members of the regulated community will need to notify the Board of any amendments of these references before those amendments can become effective under Illinois law.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 726.304 Standards Applicable to Emergency Responses**

Explosives and munitions emergencies involving military munitions or explosive are subject to 35 Ill. Adm. Code 722.110(i), 723.110(e), 724.101(g)(8), 725.101(c)(11), and 703.121(c)(3), or alternatively to 35 Ill. Adm. Code 703.221.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 726.305 Standards Applicable to the Storage of Solid Waste Military Munitions**

a) Criteria for hazardous waste regulation of waste non-chemical military munitions in storage.

1) Waste military munitions in storage that exhibit a hazardous waste characteristic or are listed as hazardous waste under 35 Ill. Adm. Code 721 are listed or identified as a hazardous waste (and thus are subject to regulation under 35 Ill. Adm. Code 702, 703, 705, 720 through 726, 728, 733, and 739), unless all the following conditions are met:

- A) The waste military munitions are not chemical agents or chemical munitions;
- B) The waste military munitions must be subject to the jurisdiction of the Department of Defense Explosives Safety Board (DDESB);
- C) The waste military munitions must be stored in accordance with the DDESB storage standards applicable to waste military munitions;
- D) Within 90 days after a storage unit is first used to store waste military munitions, the owner or operator shall notify the Agency of the location of any waste storage unit used to store waste military munitions for which the conditional exemption in subsection (a)(1) of this Section is claimed;
- E) The owner or operator shall provide oral notice to the Agency within 24 hours from the time the owner or operator becomes aware of any loss or theft of the waste military

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munitions, or any failure to meet a condition of subsection (a)(1) of this Section that may endanger health or the environment. In addition, a written submission describing the circumstances shall be provided within five days from the time the owner or operator becomes aware of any loss or theft of the waste military munitions or any failure to meet a condition of subsection (a)(1) of this Section;

F) The owner or operator shall inventory the waste military munitions at least annually, shall inspect the waste military munitions at least quarterly for compliance with the conditions of subsection (a)(1) of this Section, and shall maintain records of the findings of these inventories and inspections for at least three years; and

G) Access to the stored waste military munitions must be limited to appropriately trained and authorized personnel.

2) The conditional exemption in subsection (a)(1) of this Section from regulation as hazardous waste shall apply only to the storage of non-chemical waste military munitions. It does not affect the regulatory status of waste military munitions as hazardous wastes with regard to transportation, treatment or disposal.

3) The conditional exemption in subsection (a)(1) of this Section applies only so long as all of the conditions in subsection (a)(1) of this Section are met.

b) Notice of termination of waste storage. The owner or operator shall notify the Agency when a storage unit identified in subsection (a)(1)(D) of this Section will no longer be used to store waste military munitions.

c) Reinstatement of conditional exemption. If any waste military munition loses its conditional exemption under subsection (a)(1) of this Section, an application may be filed with the Agency for reinstatement of the conditional exemption from hazardous waste storage regulation with respect to such munition as soon as the munition is returned to compliance with the conditions of subsection (a)(1) of this Section. If the Agency finds that reinstatement of the conditional exemption is appropriate based on factors such as the owner's or operator's provision of a satisfactory explanation of the circumstances of the violation, or a demonstration that the violations are not likely to recur, the Agency may reinstate the conditional exemption under subsection (a)(1) of this Section. If the Agency does not take action on the reinstatement application within 60 days after receipt of the application, then reinstatement shall be deemed granted, retroactive to the date of the application. However, the Agency may terminate a conditional exemption reinstated by default under the preceding sentence if he/she finds that reinstatement is inappropriate based on factors such as the owner's or operator's failure to provide a satisfactory explanation of the circumstances of the violation, or failure to demonstrate that the violations are not



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likely to recur. In reinstating the conditional exemption under subsection (a)(1) of this Section, the Agency may specify additional conditions as are necessary to ensure and document proper storage to protect human health and the environment.

- d) Waste chemical munitions.
- 1) Waste military munitions that are chemical agents or chemical munitions and that exhibit a hazardous waste characteristic or are listed as hazardous waste under 35 Ill. Adm. Code 721 are listed or identified as a hazardous waste and shall be subject to the applicable regulatory requirements of RCRA subtitle C.
- 2) Waste military munitions that are chemical agents or chemical munitions and that exhibit a hazardous waste characteristic or are listed as hazardous waste under 35 Ill. Adm. Code 721 are not subject to the storage prohibition in RCRA section 3004(j), codified at 35 Ill. Adm. Code 728.150.
- e) Amendments to DPESB storage standards. The DPESB storage standards applicable to waste military munitions, referenced in subsection (a)(1)(C) of this Section, are DOD 6055.9-STD ("DOD Ammunition and Explosive Safety Standards"), in effect on November 8, 1995, incorporated by reference in 35 Ill. Adm. Code 720.111.
- BOARD NOTE: 40 CFR 266.205(e), as added at 62 Fed. Reg. 6656 (Feb. 12, 1997), further provides as follows: "Any amendments to the DPESB storage standards shall become effective for purposes of paragraph (a)(1) of this section on the date the Department of Defense publishes notice in the Federal Register that the DPESB standards referenced in paragraph (a)(1) of this section have been amended." Section 5-75 of the Illinois Administrative Procedure Act [5 ILCS 100/5-75] prohibits the incorporation of later amendments and editions by reference. For this reason, interested members of the regulated community will need to notify the Board of any amendments of these references before those amendments can become effective under Illinois law.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 726.306 Standards Applicable to the Treatment and Disposal of Waste Military Munitions**

The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in 35 Ill. Adm. Code 702, 703, 705, 720 through 726, and 728.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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**Section 726.APPENDIX I Methods Manual for Compliance with BIF Regulations**

See "Methods Manual for Compliance with BIF Regulations". This document is available from two sources. It is available through NTIS, incorporated by reference in 35 Ill. Adm. Code 720.111. It is also available as 40 CFR 266, Appendix IX, (1997), adopted at 56 Fed. Reg. 32688, July 17, 1991, and amended at 56 Fed. Reg. 42511, August 27, 1991, 57 Fed. Reg. 38566, August 25, 1992, and 57 Fed. Reg. 45001, September 30, 1992, which is incorporated by reference in 35 Ill. Adm. Code 720.111. This incorporation includes no future editions or amendments.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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1) Heading of the Part: The Professional Engineering Practice Act of 1989

2) Code Citation: 68 Ill. Adm. Code 1380

3) Section Numbers: Proposed Action:

1380.210 Amendment  
1380.240 Amendment  
1380.250 Amendment  
1380.270 Amendment  
1380.280 Amendment  
1380.310 Amendment

4) Statutory Authority: The Professional Engineering Practice Act of 1989[225 ILCS 325]

5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking removes obsolete language and addresses inconsistencies and technical problems, including changing the renewal date from even- to odd-numbered years and requiring foreign-educated engineer interns to pass the Test of English as a Foreign Language (TOEFL) and Test of Spoken English (TSE).

6) Will these Proposed Amendments replace an emergency Rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these Proposed Amendments contain incorporations by reference? No

9) Are there any other Proposed Amendments pending on this Part? No

10) Statement of Statewide Policy Objectives (if applicable): This rulemaking has no impact on local government.

11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking: Interested persons may submit written comments to:

Department of Professional Regulation  
Attention: Jean A. Courtney  
320 West Washington, 3rd Floor  
Springfield, IL 62786  
217/785-0813  
Fax #: 217/782-7645

All written comments received within 45 days after this issue of the Illinois Register will be considered.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Professional engineering firms

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: Professional engineering skills are necessary for licensure.

13) Regulatory Agenda on which this rulemaking was summarized: January 1998

The full text of the Proposed Amendment(s) begins on the next page:

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TITLE 68: PROFESSIONS AND OCCUPATIONS  
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1380

## THE PROFESSIONAL ENGINEERING PRACTICE ACT OF 1989

Section	
1380.210	Approved Engineering Program
1380.220	Definition of Degree in Basic Engineering or Related Science
1380.230	Approved Experience
1380.240	Application for Enrollment as an Engineer Intern by Examination
1380.250	Application for Licensure as a Professional Engineer by Examination
1380.260	Examination
1380.270	Restoration
1380.280	Endorsement
1380.285	Inactive Status
1380.290	Professional Design Firm
1380.300	Standards of Professional Conduct
1380.305	Professional Engineer Complaint Committee
1380.310	Renewals
1380.320	Granting Variances

APPENDIX A      Significant Dates for the Administration of Section 19 of the  
 Act - Endorsement

AUTHORITY: Implementing the Professional Engineering Practice Act of 1989 [225 ILCS 325] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations Promulgated for the Administration of the Illinois Professional Engineering Act, effective March 10, 1976; codified at 5 Ill. Reg. 11055; codified and amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; Part repealed at 9 Ill. Reg. 10038, effective June 18, 1985; new Part adopted at 9 Ill. Reg. 10040, effective June 18, 1985; amended at 10 Ill. Reg. 19507, effective November 5, 1986; amended at 11 Ill. Reg. 8767, effective April 20, 1987; recodified from Chapter I, 68 Ill. Adm. Code 380 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1380 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2942; amended at 14 Ill. Reg. 247, effective December 28, 1990; amended at 15 Ill. Reg. 17729, effective November 26, 1991; amended at 16 Ill. Reg. 15553, effective September 28, 1992; amended at 18 Ill. Reg. 14737, effective September 19, 1994; amended at 19 Ill. Reg. 16076, effective November 17, 1995; amended at 20 Ill. Reg. 6477, effective April 25, 1996; amended at 21 Ill. Reg. 13839, effective October 1, 1997; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

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## Section 1380.210 Approved Engineering Program

- a) The Department of Professional Regulation shall, upon the recommendation of the State Board of Professional Engineers (the Board), approve an engineering program as reputable and in good standing if it meets the following minimum criteria:

- 1) The educational institution is legally recognized and authorized by the jurisdiction in which it is located to confer a baccalaureate degree in engineering.
- 2) Faculty

A) The faculty shall have a sufficient number of full-time, or full-time equivalent, instructors to make certain that the educational obligations to the student are fulfilled. A program at the basic level shall have no fewer than 3 full-time faculty members whose primary commitment is to that program. If an institution relies on part-time faculty members, it shall demonstrate that, in addition to the commitment of at least 3 full-time equivalent faculty members, effective mechanisms are in place to provide adequate levels of student advising and faculty interaction, and faculty control over the curriculum.

B) The faculty shall have demonstrated competence in their area of teaching as evidenced by appropriate degrees from professional colleges or institutions. Other evidence of faculty capability includes non-academic engineering experience, experience in teaching, ability to communicate effectively, participation in professional, scientific and other learned societies, licensure as a professional engineer and an interest in students' curricular activities.

C) Teaching loads shall allow time for research and professional development activities. Stimulation of students' minds requires faculty involvement in scientific and technological development and in instructional innovation.

## 3) Curriculum

A) The curriculum shall include at least 4 academic years leading to the awarding of the baccalaureate degree while providing integration of the educational experience with the ability to apply the knowledge gained to the identification and solution of practical problems.

B) The overall curriculum shall include a minimum of 120 semester hours or their equivalent (e.g., 180 quarter hours) and shall include at least the following subjects: Mathematics (beyond trigonometry) - 15 hours. Basic Sciences (Physics/Chemistry) - 15 hours. Engineering Sciences - 30 hours. Engineering Design - 15 hours. Humanities/Social Sciences - 15 hours.



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competency in both written and oral communication.

K) An understanding of ethical, social, economic and safety considerations shall be included in the engineering program. For those institutions that elect to prepare a student to enter the profession at the advanced level, the curriculum shall satisfy the criteria set forth in this Section at the basic level, and shall include at least one year of additional study. That year shall include at least 2/3 of a year of advanced mathematics, basic sciences, engineering sciences and engineering design. Of this component, at least 1/3 of a year shall be devoted to engineering design. The program shall be designed toward a meaningful individual course of study and include thesis, research and/or special projects.

## 4) Facilities

- A) The laboratory facilities shall reflect the requirements of the offered educational program. The laboratory should provide for individual project work by the students and the faculty. The facilities shall be equipped with instruments and scientific equipment of a kind and quality to ensure the effective functioning of the laboratory.
- B) The libraries in support of the engineering program shall be both technical and nontechnical, to include books, journals and other reference material for collateral reading in connection with the instructional and research programs and professional work. The library collection shall reflect the existence of an active acquisition policy; this policy shall include specific acquisitions on the request and recommendation of the faculty of the engineering program. There shall be computer-accessible information centers and inter-library loan services for both books and journals. The library collections, whether centralized or decentralized, shall be readily available for use with the assistance of trained library staff, or through an open-stack arrangement, or both.
- C) There shall be computer facilities accessible to the engineering students and faculty.
- 5) The institution shall maintain permanent student records that summarize the credentials for admission, attendance, grades and other records of performance.
- b) In determining whether a program should be approved, the Department shall take into consideration but not be bound by accreditation by the Accreditation Board for Engineering and Technology (ABET).
- c) The Department, upon the recommendation of the Board, has determined that all engineering programs accredited by or determined equivalent by the Engineering Accreditation Commission of ABET meet the minimum criteria set forth in subsection (a), above, for an approved engineering program and are, therefore, approved. **Engineering**

- C) Mathematics shall be beyond trigonometry, and include differential and integral calculus, and differential equations at the baccalaureate level. Mathematics shall also include, but shall not be limited to, the study of probability, statistics, numerical analysis and advanced calculus. Courses in computer usage and/or programming shall not be used to satisfy the mathematics requirement.
- D) Basic sciences shall include basic physics and chemistry and may also include life sciences, earth sciences and/or advanced physics and chemistry, as appropriate to the engineering discipline being studied.
- E) Engineering sciences have their roots in mathematics and basic sciences but carry the knowledge toward creative application. Such subjects include, but are not limited to, mechanics, thermodynamics, electric and electronic circuits, material science and other subjects depending upon the engineering discipline.
- F) Engineering design involves the conversion of resources to predetermined objectives. Course requirements shall include the establishment of objectives and criteria, synthesis, analysis, construction, testing and evaluation which develop student creativity through open-ended problems and consideration of alternative solutions. The inclusion of realistic constraints, such as economic factors, safety, aesthetics, ethics and social impact is appropriate. Examples of subjects in these areas include design of circuits, machines, power networks, process equipment and systems and water treatment.
- G) Humanities and social sciences are, respectively, the branches of knowledge that concern man and his culture, and that concern individual relationships in and to society. Examples of subjects in these areas are philosophy, history, literature, fine arts, religion, sociology, psychology, political science, economics and foreign languages (other than a student's native language). Non-traditional courses might include social responsibility and professional ethics. Subjects such as accounting and management may be acceptable engineering electives, but do not satisfy the objectives of this area.
- H) Laboratory experience is essential to an engineering education at both theoretical and practical levels.
- I) Computer-based experience shall be included in the program of each student. The program shall include technical computations, problem solving, data acquisition and usage, process control and computer-assisted design. The student shall have access to computational facilities in order to integrate these techniques into the program.
- J) The program shall require that the student demonstrate

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programs---determined---equivalent---by---the---Engineering---Accreditation Commission-of-ABET---include---but---are---not---limited---to---those---accredited by:

- 1) The-Canadian-Engineering-Accreditation-Board-of-the-Canadian Council-of-Professional-Engineers
- 2) The-Engineering-Council-United-Kingdom-with-certain-Chartered Engineering-Institutions
- 3) The-Institution-of-Engineers-of-Ireland
- 4) The-Institution-of-Engineers-Australia-and
- 5) The-Institution-of-Professional-Engineers-New-Zealand-

## d) Withdrawal of Program Approval

1) The following are grounds for withdrawal of approval of an engineering program or a program leading to a degree in basic engineering.

- A) Non-compliance with any provisions of the Professional Engineering Practice Act of 1989 [225 ILCS 325] (the Act);
- B) Non-compliance with any provision of this part;
- C) Fraud or dishonesty in furnishing documentation for evaluation of the program; or
- D) Failure to continue to meet the criteria of an approved program as set out in this Section.

2) If the Board has reason to believe there has been any fraud or dishonesty in the furnishing of any documentation for the evaluation of a program on the part of any licensee, it shall refer such matter to appropriate Department personnel for any disciplinary action which might be appropriate under the Act.

3) A program whose approval is being reconsidered by the Department shall be given 15 days written notice prior to any recommendation by the Board and may either submit written comments or request a hearing before the Board.

## e) Evaluation of Newly Submitted Programs

1) An educational institution with a program that has not been evaluated will cause to be forwarded to the Department documentation concerning the criteria in this Section.

2) Once the Department has received the documentation or after 6 months have elapsed from the date of application, whichever is later, the Board will evaluate the program based on all documentation received from the school and any additional information the Department has received which will enable the Board to evaluate the program based on the criteria specified in this Section.

f) For purposes of Section 12(c)(1) of the Act, an approved graduate engineering program shall:

- 1) Grant a Doctor of Philosophy or Doctor of Science degree;
- 2) Be in a curriculum from an institution with an engineering program which has at least one curriculum for a baccalaureate degree that is approved in accordance with Section 1380.210(a) of this Part; and

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3) Include the following minimum requirements:

- A) Completion of at least 64 semester hours, or 96 quarter hours, including hours earned toward the master's degree requirements.
- B) Passing of a preliminary examination.
- C) Completion of at least an additional 32 semester hours, or 48 quarter hours of thesis research.
- D) Passing of a final examination.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1380.240 Application for Enrollment as an Engineer Intern by Examination

a) An applicant for enrollment as an Engineer Intern shall file an application on forms supplied by the Department by November 15 for the spring examination or by May 15 for the fall examination. The application shall include:

- 1) Either:
  - A) Completed college certification form showing receipt of a baccalaureate degree from an approved engineering program as set forth in Section 1380.210 of this Part; or
  - B) Completed college certification form showing receipt of a baccalaureate degree in basic engineering or related science evidenced by an official transcript of educational credit, and verification of at least 4 years of experience on form(s), completed by the supervisor.
- i) An applicant shall have acquired the experience required by this Section prior to applying to the Department;
- ii) Applicants who received their education in a foreign country shall have the education evaluated, at their expense, by the American Association of Collegiate Registrars and Admissions Officers, Office of International Education. Applicants shall obtain the forms from the National Council of Examiners for Engineers (NCEES), P.O. Box 1646, Clemson, South Carolina 29633-1686. The transcript review required by Section 8 of the Act does not entail the detailed institutional review in order to determine that the curriculum meets the requirements set forth in Section 1380.210. The review by the Board will be to determine equivalency to the educational requirements of Basic Engineering set forth in Section 1380.220(b)(1). The Board will review the transcripts and evaluation submitted to the Department to determine if the education meets the requirements set

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forth-in-Section-1380-220;

- 2) The required fee specified in Section 20 of the Act;
- 3) For an applicant claiming credit for participation in a cooperative program, as described in Section 1380.230(a)(3), certification of such participation with a brief description of the program, from the university;
- 4) A complete work history indicating all employment since receipt of a baccalaureate degree. Such work history shall also include any experience earned prior to receipt of a baccalaureate degree pursuant to Section 8(b)(2) of the Act;
- 5) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a score 550 and the Test of Spoken English (TSE) with a score of 50, for applicants who apply after January 1, 1996, who graduated from an engineering program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the engineering program from which the applicant graduated was taught in English.
- b) An applicant in an approved engineering program shall be eligible to be seated for the first available Fundamentals of Engineering examination during the 12 months prior to graduation if the applicant provides a certification stating that he/she is expected to graduate by the end of that 12 month period. The applicant shall be allowed to retake the examination during that 12 month period if he/she fails or the first attempt. However, an applicant who passes the Fundamentals of Engineering examination prior to graduation will not be enrolled as an Engineer Intern until the Department has received certification of graduation, as required by subsection (a)(1)(A), above. If certification of graduation is not received within one year after the first examination is taken, the results of the examination(s) will be void and the examination will have to be retaken.
- c) Upon receipt of the application and all supporting documentation in complete order:
  - 1) Persons with degrees from an approved engineering program will be notified of their eligibility to register for Part I of the examination;
  - 2) The files of persons with degrees in basic engineering or related science will be presented to the Board for evaluation of the required experience and education based on the criteria specified in Sections 1380.220 and 1380.230. Once the applications have been approved, those persons will be notified of their eligibility to register for Part I of the examination, examination filing deadline and the required examination fee as provided for in Section 20 of the Act.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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### Section 1380.250 Application for Licensure as a Professional Engineer by Examination

- a) Applicant enrolled as an Engineer Intern
  - 1) An applicant shall have acquired all experience required by Section 1380.240 prior to making application to the Department.
  - 2) An applicant for licensure as a professional engineer who is enrolled as an Engineer Intern shall file an application on forms supplied by the Department by November 15 for the spring examination or by May 15 for the fall examination. The application shall include, in addition to the requirements of Section 8 of the Act, the following:
    - A) Experience verification form(s) completed by the supervisor, indicating the required 4 years of experience earned. For Engineer Interns enrolled with a degree in basic engineering or related science, experience verification forms shall be completed for the entire 8 years of required experience.
    - B) For persons who were certified or enrolled as an Engineer Intern or Engineer-in-training in another state or territory:
      - i) A certification of such enrollment from the appropriate state board, including the date of the examination; and
      - ii) Completed college certification form showing degree received and, if the degree was not received from an approved engineering program, an official transcript of educational credit.
  - iii) Applicants who received their education in a foreign country shall have the education evaluated at their expense. The applicant shall obtain the forms from the National Council of Examiners for Engineers and Surveyors, P.O. Box 1646, Clemson, South Carolina 29633-1686. The transcript review required by Section 8 of the Act does not entail the detailed institutional review in order to determine that the curriculum meets the requirements set forth in Section 1380.210. The review by the Board will be to determine equivalency to the educational requirements of Basic Engineering set forth in Section 1380.220(b)(1).
  - iv) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a score 550 and the Test of Spoken English (TSE) with a score of 50, for applicants who apply after January 1, 1996, who graduated from an engineering program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the



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applicant shall submit verification from the school that the engineering program from which the applicant graduated was taught in English.

- C) The required fee specified in Section 20 of the Act.  
 D) For an applicant claiming credit for participation in a cooperative program, as described in Section 1380.230(a)(3), certification of such participation with a brief description of the program, from the university.  
 E) A complete work history indicating all employment since receipt of a baccalaureate degree. Such work history shall also include any experience earned prior to receipt of a baccalaureate degree pursuant to Section 8(b)(2) of the Act.  
 3) Upon receipt of the application and all supporting documentation in complete order, the applicant's file will be presented to the Board for evaluation of the required education and experience as specified in Sections 1380.210, 1380.220 and 1380.230. Once the application has been approved, those persons will be notified of their eligibility to register for Part II of the examination, examination filing deadline and the required examination fee as provided for in Section 20 of the Act.

- b) Applicant not enrolled as an Engineer Intern

- 1) An applicant shall have acquired all experience as required in Section 1380.240 prior to making application to the Department.  
 2) An applicant for registration as a professional engineer who is not enrolled or certified as an Engineer Intern shall file an application on forms supplied by the Department by November 15 for the spring examination or by May 15 for the fall examination. The application shall include, in addition to the requirements of Section 8 of the Act, the following:

- A) Education:  
 i) A degree from an approved Engineering Program.  
 Completed college certification form showing receipt of a baccalaureate degree from an approved engineering program, and completed experience verification form(s) completed by the supervisor, indicating the required 4 years of experience; or  
 ii) degree in Basic Engineering or Related Science.  
 Completed college certification form showing receipt of a baccalaureate degree in basic engineering or related science; an official transcript of educational credit; and completed experience verification form(s) completed by the supervisor, indicating the required 8 years of experience.

- iii) Applicants who received their education in a foreign country shall have the education evaluated at their expense, by the American Association of Engineering Registrars and Admissions Officers, Office of International Education. The applicant shall obtain

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the forms from the National Council of Examiners for Engineers (NCEES), P.O. Box 1646, Clemson, South Carolina 29633-1686. The transcript review required by Section 8 of the Act does not entail the detailed institutional review in order to determine that the curriculum meets the requirements set forth in Section 1380.210. The review by the Board will be to determine equivalency to the educational requirements of Basic Engineering set forth in Section 1380.220(b)(1) ~~the Board will review the evaluation submitted to the Department to determine if the education meets the requirements set forth in Section 1380.220.~~

- B) The required fee specified in Section 20 of the Act.  
 C) For an applicant claiming credit for participation in a cooperative program, as described in Section 1380.230(a)(3), certification of such participation with a brief description of the program, from the university.  
 D) A complete work history indicating all employment since receipt of a baccalaureate degree. Such work history shall also include any experience earned prior to receipt of a baccalaureate degree pursuant to Section 8(b)(2) of the Act.  
 E) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a score 550 and Test of Spoken English (TSE) with a score of 50, for applicants who apply after January 1, 1996, who graduated from an engineering program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the engineering program from which the applicant graduated was taught in English.  
 3) Upon receipt of the application and all supporting documentation in complete order, the applicant's file will be presented to the Board for evaluation of education and required experience as specified in Sections 1380.210, 1380.220 and 1380.230. Once the application has been approved, those persons will be notified of their eligibility to register for both Part I and Part II of the examination, examination filing deadline, and the required examination fee as provided for in Section 20 of the Act.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1380.270 Restoration

- a) A licensee seeking restoration of a his license which has expired for less than 5 years or less shall have the his license restored upon application to the Department and payment of the required fees

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specified in Sections 17 and 20 of the Act.

b) A licensee seeking restoration of a his license which has been placed on inactive status for ~~less than~~ 5 years or less shall have his certificate restored upon application to the Department and payment of the current renewal fee specified in Sections 17 and 20 of the Act.

c) A licensee seeking restoration of a his license after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department for review by the Board, together with the fee required by Sections 17 and 20 of the Act. The licensee shall also submit either:

1) Sworn evidence of active practice in another jurisdiction for at least the last 2 years. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the licensee was authorized to practice during the term of said active practice;

2) An affidavit attesting to military service as provided in Section 17 of the Act. If application is made within 2 years of discharge, and if all other provisions of Section 17 of the Act are satisfied, the applicant will not be required to pay a restoration fee or any lapsed renewal fees;

3) Proof of passage of Part II of the examination provided in Section 1380.260 within the 5 years preceding restoration; or

4) Other evidence of continued competence in professional engineering. Other evidence shall include, but not be limited to:

- A) Employment in a responsible capacity by a licensed professional engineer as determined by the Board;
- B) Lawfully practicing professional engineering as an employee of a governmental agency;
- C) Teaching professional engineering in a college or university; or
- D) Attendance at educational programs in professional engineering or a related field, including, but not limited to, attendance at graduate level engineering courses, professionally oriented continuing education classes or special seminars.

d) When the accuracy of any submitted documentation, of the relevance or sufficiency of the course work or experience is questioned by the Department because of discrepancies or conflicts in information, information needing further clarification, and/or missing information, the licensee seeking restoration of his license will be requested to:

- 1) provide such information as may be necessary; and/or
- 2) explain such relevance or sufficiency during an oral interview; or
- 3) appear for an interview before the Board when the information available to the Board is insufficient to evaluate the individual's current competency to practice under the Act. Upon recommendation of the Board, and approval by the Director, an

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applicant shall have his license restored or will be notified of the reason for the denial of such application for restoration.

e) If an applicant is denied restoration under subsection (c)(4), the applicant's license may be restored by taking and passing Part II of the examination as provided in Section 1380.260.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1380.280 Endorsement

a) Any person who holds an unexpired certificate of registration or license to practice professional engineering, issued under the laws of another state or territory of the United States or the District of Columbia and who desires to become licensed by endorsement shall file an application, on forms provided by the Department, together with:

- 1) The required fee specified in Section 20 of the Act.
- 2) Proof of meeting requirements substantially equivalent to those in force in this State at the time of original or subsequent licensure by examination in the other jurisdiction, including certification of education, and verification of experience.

3) A certification by the jurisdiction of original licensure and certification of current licensure from the jurisdiction of predominant active practice including the following:

- A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
- B) The basis of licensure and a description of all licensure examinations by which the applicant was licensed in that jurisdiction and the date of successful passage of such examinations; and
- C) Whether the records of the licensing authority contain any record of disciplinary action taken or pending against the applicant.

4) A complete work history, on forms provided by the Department.

5) If the qualifications of the applicant at the time of original licensure did not meet the requirements in effect at that time for licensure in this State, the applicant may submit additional certifications from other jurisdictions to indicate meeting the qualifications in effect in this State at the time of any later licensure.

6) In lieu of the documentation specified in subsections (a)(2), (3) and (5) above, an applicant may submit a current Council Record and Certification of Verification from NCEES.

7) Applicants who received their education in a foreign country and who were originally licensed in another jurisdiction after January 1, 1996, shall have the education evaluated, at their expense, by the American Association of College Registrars and



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**Admissions---Officers---Office---of---International---Education.**  
 Applicants shall obtain the forms from the National Council of Examiners for Engineers (NCES), P.O. Box 1646, Clemson, South Carolina 29633-1686. The transcript review required by Section 8 of the Act does not entail the detailed institutional review in order to determine that the curriculum meets the requirements set forth in Section 1380.210. The review by the Board will be to determine equivalency to the educational requirements of Basic Engineering set forth in Section 1380.220(b)(1). ~~The Board will review the transcripts and evaluation submitted to the Department to determine if the education meets the requirements set forth in Section 1380.220.~~

- 8) Proof of passage of the Test of English as a Foreign Language (TOEFL) with a score of 550 and the Test of Spoken English (NSE) with a score of 50 for applicants originally licensed after January 1, 1996, who graduated from an engineering program outside the United States or its territories and whose first language is not English. In order to determine applicants whose first language is English, the applicant shall submit verification from the school that the engineering program which the applicant graduated was taught in English.

- 9) The Department may, in individual cases, upon the recommendation of the Board, waive a portion of the examination requirements after consideration of the quality of an applicant's engineering education and experience, including whether he has graduated from an approved engineering program, has achieved special honors or awards, has had articles published in professional journals, has participated in the writing of textbooks relating to professional engineering, and any other attribute which the Board accepts as evidence that such applicant has outstanding and proven ability in the practice of professional engineering.

- 10) Acceptable Experience
- A) Applicants for endorsement having obtained the following acceptable experience, in accordance with Section 1380.230, prior to taking the Principles and Practice of Engineering Examination shall be considered in compliance with the experience requirements of Section 10 of the Act:
- i) Under Section 10(a) of the Act, at least 3 years and 9 months of acceptable experience after receipt of the baccalaureate degree, or
  - ii) Under Section 10(b) of the Act, at least 7 years and 9 months of acceptable experience after receipt of the baccalaureate degree.
- B) Applicants not meeting the requirements of subsection (a)(10)(A) at the time of original or subsequent examination shall retake the principles and Practice of Engineering Examination after meeting the necessary requirements.

- 11) Appendix A of this Part outlines the licensure requirements in

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF PROPOSED AMENDMENT(S)

- force during various periods and should be consulted by the applicant to aid in the evaluation of his/her qualifications.
- b) The Department shall examine each endorsement application to determine whether the qualifications of the applicant at the time of original or subsequent licensure were substantially equivalent to the requirements then in force in this state. The Department shall either issue a license by endorsement to the applicant or notify such applicant of the reasons for the denial of the application. An applicant not qualified for licensure by endorsement will automatically be reviewed under the provisions of Section 1380.250.

- c) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board, because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking a license will be requested to:
- 1) Provide such information as may be necessary;
  - 2) Appear for an oral interview(s) before the Board; and/or
  - 3) Applicants who were licensed prior to January 1, 1996, upon review of the educational requirements may be required to have their education evaluated at their expense as set forth in subsection (a)(7).

- d) The Department shall either issue a license by endorsement to the applicant or notify such applicant of the reasons for the denial of the application. An applicant not qualified for licensure by endorsement will automatically be reviewed under the provisions of Section 1380.250.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1380.310 Renewals

- a) Every license issued to an individual under the Act shall expire on November 30 of each odd ~~even~~ numbered year. The holder of a license may renew such license for a two-year period during the month preceding the expiration date thereof by paying the fee required by Section 20 of the Act.
- b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee and to renew one's license.
- c) Every license issued to a corporation or partnership under the Act shall expire on April 30 of each odd-numbered year. The holder of such license may renew that license for a 2-year period during the month preceding the expiration date thereof by paying the required fee.
- d) Practicing or offering to practice on a license which has expired shall be considered unlicensed activity and shall be grounds for



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discipline pursuant to Section 24 of the Act.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Carriage by Public Highway

2) Code Citation: 92 Ill. Adm. Code 177

3) Section Numbers: Proposed Action:  
177.2000 Amend

4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act, 625 ILCS 30/4(a) and 9(a)

5) A complete description of the subjects and issues involved: By this Notice of Proposed Amendments, the Department is updating the date of incorporation by reference of 49 CFR 177, as of October 1, 1997.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives. This rulemaking will not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

By U.S. Mail:

Ms. Catherine Allen  
Illinois Department of Transportation  
Division of Traffic Safety  
P.O. Box 19212  
Springfield, Illinois 62794-9212  
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building  
3215 Executive Park Drive  
Commercial Vehicle Safety, 3rd Floor  
Springfield, Illinois

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
2300 South Dirksen Parkway, Room 300  
Springfield, Illinois 62764  
(217) 782-3215

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: This rulemaking affects small businesses that transport placarded hazardous materials.
- B) Reporting, bookkeeping or other procedures required for compliance: No additional requirements are necessary for compliance.
- C) Types of professional skills necessary for compliance: No additional skills are necessary for compliance.

13) Regulatory Agenda on which this rulemaking was summarized: July 1997

The full text of the Proposed Amendment(s) begins on the next page:

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

## TITLE 92: TRANSPORTATION

## CHAPTER I: DEPARTMENT OF TRANSPORTATION

## SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

## PART 177

## CARRIAGE BY PUBLIC HIGHWAY

Section  
177.1000 General  
177.2000 Incorporation By Reference of 49 CFR 177

**AUTHORITY:** Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

**SOURCE:** Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 4 Ill. Reg. 30, p. 1244, effective July 10, 1980; amended at 6 Ill. Reg. 4287, effective April 16, 1982; amended at 7 Ill. Reg. 3486, effective April 2, 1983; codified at 8 Ill. Reg. 18930; Part repealed, new Part adopted at 10 Ill. Reg. 5853, effective April 1, 1986; amended at 10 Ill. Reg. 20749, effective December 1, 1986; amended at 11 Ill. Reg. 4768, effective March 10, 1987; amended at 11 Ill. Reg. 17881, effective October 20, 1987; amended at 12 Ill. Reg. 8074, effective April 26, 1988; amended at 13 Ill. Reg. 3957, effective March 14, 1989; amended at 14 Ill. Reg. 2613, effective February 1, 1990; amended at 15 Ill. Reg. 7743, effective May 7, 1991; amended at 16 Ill. Reg. 11843, effective July 13, 1992; amended at 18 Ill. Reg. 7852, effective May 6, 1994; amended at 20 Ill. Reg. 6531, effective April 30, 1996; amended at 22 Ill. Reg. 5686, effective March 4, 1998; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

**Section 177.2000 Incorporation By Reference of 49 CFR 177**

- a) As Part 177 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates 49 CFR 177 by reference, as that Part of the federal hazardous materials transportation regulations was in effect on October 1, 1997 1996; ~~as amended at 62-PR 1177-January-67-1997, as amended at 62-PR-462147-September--27--1997, and--as--amended--at-62-PR-515547-October-17-1997, subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of 49 CFR 177 are incorporated.~~
- b) The following interpretations of, additions to and deletions from 49 CFR 177 shall apply for purposes of this Part.
- 1) All references to "this part" in the incorporated federal regulations shall mean Part 177 of the Illinois Hazardous Materials Transportation Regulations.
  - 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.
  - 3) All references to a section of the regulations in the

## DEPARTMENT OF TRANSPORTATION

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incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.

- 4) All references to Parts 174, 175 or 176, or to sections therein shall be read to refer to those Parts or sections in the federal hazardous materials transportation regulations.
- 5) All references to shipment of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.
- 6) All references to motor vehicles engaged in interstate commerce shall be deemed to include any motor vehicle engaged in commerce within the State of Illinois.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: Continuing Qualification and Maintenance of Packaging

2) Code Citation: 92 Ill. Adm. Code 180

3) Section Numbers: Proposed Action  
180.2000 Amend

4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)]

5) A complete description of the subjects and issues involved: By this Notice of Proposed Amendments, the Department is updating the date of incorporation by reference of 49 CFR 180, as of October 1, 1997.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

By U.S. Mail:

Ms. Catherine Allen  
Illinois Department of Transportation  
Division of Traffic Safety  
P.O. Box 19212  
Springfield, Illinois 62794-9212  
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building  
3215 Executive Park Drive  
Commercial Vehicle Safety, 3rd Floor  
Springfield, Illinois



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
2300 South Dirksen Parkway, Room 300  
Springfield, Illinois 62764  
(217) 782-3215

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: This rulemaking affects small businesses that transport placarded hazardous materials.
- B) Reporting, bookkeeping or other procedures required for compliance: No additional requirements are necessary for compliance.

- C) Types of professional skills necessary for compliance: No additional skills are necessary for compliance.

13) Regulatory Agenda on which this rulemaking was summarized: July 1997

The full text of the Proposed Amendment(s) begins on the next page:

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION  
CHAPTER I: DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 180  
CONTINUING QUALIFICATION AND MAINTENANCE OF PACKAGING

## Section

180.1000 General

180.2000 Incorporation by Reference of 49 CFR 180

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 14 Ill. Reg. 2617, effective February 1, 1990; amended at 15 Ill. Reg. 7748, effective May 7, 1991; amended at 16 Ill. Reg. 11847, effective July 13, 1992; amended at 18 Ill. Reg. 7857, effective May 6, 1994; amended at 20 Ill. Reg. 6535, effective April 30, 1996; amended at 22 Ill. Reg. 5690, effective March 4, 1998; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 180.2000 Incorporation by Reference of 49 CFR 180

- a) As Part 180 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates 49 CFR 180 by reference, as that part of the federal hazardous materials transportation regulations was in effect on October 1, 1997 ~~1996-as-amended-et-62-PR-12887-January-8-1997-and-as-amended-at-62-PR-51554-October-17-1997~~, subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of 49 CFR 180 are incorporated.
- b) The following interpretations of, additions to and deletions from 49 CFR 180 shall apply for purposes of this Part.
- 1) All references to "this part" in the incorporated federal regulations shall mean Part 180 of the Illinois Hazardous Materials Transportation Regulations.
  - 2) All references to "this chapter" or "this Subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.
  - 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
  - 4) All references to parts 174, 175, 176, or to sections therein shall be read to refer to those parts or sections in the federal hazardous materials transportation regulations.
  - 5) All references to shipments of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous

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materials.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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- 1) Heading of the Part: General Information, Regulations and Definitions
- 2) Code Citation: 92 Ill. Adm. Code 171
- 3) Section Numbers:

171.5	<u>Proposed Action:</u>
171.22	Repeal
171.1000	New Section
	Amend
- 4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)]
- 5) A complete description of the subjects and issues involved: By this Notice of Proposed Amendments, the Department is updating the date of incorporation by reference of 49 CFR 171, as of October 1, 1997, and including the federal rulemaking adopted at 62 FR 65188, December 10, 1997.

The Department's regulations will incorporate changes made in the following Docket:

Docket HM-225 (62 FR 65188, December 10, 1997): Revises a requirement concerning the daily pressure testing of transfer hoses on cargo tank motor vehicles in Liquefied Compressed Gas service. Also extends the expiration of the final rule requirements to July 1, 1999.

Additionally, this rulemaking proposes to add the words "Hazardous Materials Transportation": to the heading of this Part for clarification purposes.

Also, the Department is proposing to repeal Section 171.5 to accommodate the August 18, 1997 final rule (62 FR 44038) which established 49 CFR 171.5 as "Temporary Regulations: Liquefied Compressed Gases in Cargo Tank Motor Vehicles". 62 FR 44038 was incorporated by reference in this Part in a previous rulemaking effective March 4, 1998.

Further, Section 171.22 is being added to provide a new agricultural exception. 62 FR 1208, January 8, 1997 allows for limited exceptions from the regulations for the movement of agricultural products that conform to requirements of a state in which they are transported and is specifically authorized by a state statute or regulation in effect before July 1, 1998. 62 FR 49560, September 22, 1997 postponed until October 1, 1998 the effective date of the January 8, 1997 final rule. Section 171.22 is added to provide the limited exceptions allowed in 62 FR 1208, January 8, 1997.

Finally, Section 171.1000 is being amended to list Section 171.5

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"Temporary Regulations: Liquefied Compressed Gases in Cargo Tank Motor Vehicles" as a section of 49 CFR 171 that is incorporated by reference.

- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking will not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

By U.S. Mail:

Ms. Catherine Allen  
Illinois Department of Transportation  
Division of Traffic Safety  
P.O. Box 19212  
Springfield, Illinois 62794-9212  
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building  
3215 Executive Park Drive  
Commercial Vehicle Safety, 3rd Floor  
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
2300 South Dirksen Parkway, Room 300  
Springfield, Illinois 62764  
(217) 782-3215

Comments received within 45 days after the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

## DEPARTMENT OF TRANSPORTATION

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12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: This rulemaking affects small businesses that transport placarded hazardous materials.
- B) Reporting, bookkeeping or other procedures required for compliance: No additional requirements are necessary for compliance.
- C) Types of professional skills necessary for compliance: No additional skills are necessary for compliance.

13) Regulatory Agenda on which this rulemaking was summarized: July 1997

The full text of the Proposed Amendment(s) begins on the next page:



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TITLE 92: TRANSPORTATION  
CHAPTER I: DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER C: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 171  
HAZARDOUS MATERIALS TRANSPORTATION: GENERAL INFORMATION, REGULATIONS AND DEFINITIONS

- Section  
171.1 Purpose and Scope  
171.2 General Transportation Requirements  
171.3 Hazardous Waste  
171.4 Exemptions (Renumbered)  
171.5 Agricultural Exception (Repealed)  
171.6 Agricultural Exception (Renumbered)  
171.7 Matter Incorporated by Reference (Repealed)  
171.8 Definitions and Abbreviations (Repealed)  
171.9 Rules of Construction (Repealed)  
171.10 Import and Export Shipments (Repealed)  
171.11 Specification Markings (Repealed)  
171.12 Incident Reporting Requirements  
171.13 Exemptions  
171.14 Continuation of Effectiveness of Existing Bureau of Explosives Registrations (Repealed)  
171.15 Approvals or Authorizations Issued by the Bureau of Explosives (Repealed)  
171.16 Retailer Exception  
171.17 Agricultural Exception  
171.18 Incorporation by Reference of 49 CFR 171

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. 41, effective February 1, 1979; amended at 6 Ill. Reg. 4287, effective April 16, 1982; amended at 7 Ill. Reg. 3486, effective April 2, 1983; codified at 8 Ill. Reg. 17984; amended at 10 Ill. Reg. 9636, effective May 15, 1986; amended at 10 Ill. Reg. 20753, effective December 1, 1986; emergency amendment at 11 Ill. Reg. 1684, effective January 16, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 4772, effective March 10, 1987; amended at 11 Ill. Reg. 7767, effective April 14, 1987; amended at 11 Ill. Reg. 17886, effective October 20, 1987; amended at 12 Ill. Reg. 8078, effective April 26, 1988; amended at 13 Ill. Reg. 3984, effective March 14, 1989; amended at 14 Ill. Reg. 2621, effective February 1, 1990; amended at 15 Ill. Reg. 7752, effective May 7, 1991; amended at 16 Ill. Reg. 12208, effective July 20, 1992; amended at 18 Ill. Reg. 7861, effective May 6, 1994; amended at 20 Ill. Reg. 6539, effective April 30, 1996; emergency amendment at 21 Ill. Reg. 4043, effective March 17, 1997, for a maximum of 150 days; emergency expired August 13, 1997; amended at 22 Ill. Reg. 5694, effective March 4, 1998;

amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 171.5 Agricultural Exception (Repealed)

This Part and Driving and Parking, 92-III-Adm-Code-397 do not apply to the transportation of those hazardous materials cited below when such commodities are transported from retailer to final agricultural end user or between final end users from farm to farm in approved containers and in the amounts and manner specified:

- a) Agricultural pesticides classified as Class 3, Class 9, or Class 9.1 or Division 6.1 noninhalation hazard by these regulations when moved in quantities of 27368 kilograms (6000 pounds) or less (aggregate gross weight) or 17893 liters (500 gallons) or less volume in solution;  
b) Gasoline, diesel fuel, oil, lubricants, and liquefied petroleum gas when moved in quantities of 11356 liters (3000 gallons) or less and properly placarded in accordance with 92-III-Adm-Code-172-504(f);  
c) Ammonium nitrate fertilizer when moved in quantities of 77257 kilograms (16800 pounds) (aggregate gross weight) or less;  
d) Anhydrous ammonia when transported in a cargo tank (commonly known as a nurse tank) and considered an implement of husbandry operated by private carriers exclusively for agricultural purposes, provided the cargo tank:  
1) Has a minimum design pressure of 250 pounds per square inch (psi) and meets the requirements of the ASME code in effect at time of manufacture and is marked accordingly;  
2) Is equipped with safety relief valves meeting the requirements of GSA Pamphlet 51-2;  
3) Is painted white or aluminum;  
4) Has a capacity of 77571 liters (2000 gallons) or less;  
5) Is loaded to a filling density of 56 percent of water density (85 percent of volume capacity);  
6) Is securely mounted on a farm wagon; and  
7) Is in conformance with the requirements of 92-III-Adm-Code-172 except that shipping papers are not required, and it need not be marked or placarded on one end if that end contains valves, fittings, regulator gauges, or other appurtenances that prevent the marking and placard from being properly placed and visible.  
e) Formulated agricultural chemicals not listed in subsection (a) or (c) above which are offered for transportation in less than case lot quantities or when repackaged, are not subject to 92-III-Adm-Code 172, Subpart B, and the outside specification packaging requirements of Part 173 if all of the following conditions are met:  
1) Inside packaging are enclosed in strong outside packaging; inside liquid packaging are cushioned, if necessary, to prevent breakage and leakage;  
2) Each inside packaging does not exceed 10 liters (2.6 gallons) capacity for liquids or 15 kilograms (33 pounds) for dry materials;

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- 3) Gross-weight-of-less-than-case-or-repackaged-lots-is-not-over-50 kilograms (110-pounds)-in-each-vehicle
- 4) transportation-is-authorized-only-by-private-motor-vehicle between-a-final-distribution-point-and-the-ultimate-point-of application-if-that-distance-does-not-exceed-one-hundred-miles.
- f) Formulated-liquid-agricultural-chemicals-in-specification-packagings of-220-liters (58-gallons)-capacity-or-less-with-closures-manifolded to-a-closed-mixing-system-and-equipped-with-positive-dry-disconnect devices-may-be-transported-by-a-private-motor-carrier-between-a-final distribution-point-and-an-ultimate-point-of-application-or-loading aboard-an-aircraft-for-aerial-application.

(Source: Repealed at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 171.22 Agricultural Exception

- a) This Subchapter c does not apply to the transportation in Illinois of an agricultural product, other than Class 2 material, by a farmer as a private intrastate carrier over local roads between fields of the same farm in approved containers and in the amounts and manner specified in 49 CFR 173.5(b)(2) and (4).
- b) Transportation of an agricultural product to or from a farm, within 150 miles of the farm, in approved containers and conforming to 49 CFR 173.5(b)(1), (2) and (4) are excepted from the requirements in subparts G and H of 49 CFR 172.
- c) See also 49 CFR 173.5(c) pertaining to specification packagings used for aerial application of formulated liquid agricultural products.
- d) See also 49 CFR 173.315(m) pertaining to nurse tanks of anhydrous ammonia.
- e) See also 49 CFR 173.6 pertaining to materials of trade.

(Source: Added at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 171.1000 Incorporation by Reference of 49 CFR 171

- a) As Part 171 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates the following sections of 49 CFR 171 by reference, as those sections of the federal hazardous materials transportation regulations were in effect on October 1, 1997: as amended at 62 FR 65188, December 10, 1997 1996-as-amended-at-61-PR-65958-December-16-1996-as-amended-at-62-PR-12887-January-8-1997-as-amended-at-62-PR-12177-January-8-1997-as-amended-at-62-PR-246987-May-67-1997-as-amended-at-62-PR-296737-June-27-1997-as-amended-at-62-PR-307677-June 57-1997-as-amended-at-62-PR-346677-June-27-1997-as-amended-at-62-PR 393987-July-22-1997-as-amended-at-62-PR-440387-August-18-1997-as

## DEPARTMENT OF TRANSPORTATION

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amended-at-62-PR-449137-August-25-1997-as-amended-at-62-PR-495667-September-22-1997-and-as-amended-at-62-PR-515547-October-17-1997, subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of those sections of 49 CFR 171 are incorporated.

171.4	Marine Pollutions
171.5	Temporary Regulation: Liquefied Compressed Gases in Cargo Tank Motor Vehicles
171.7	Referenced Material
171.8	Definitions and Abbreviations
171.9	Rules of Construction
171.10	Units of Measure
171.11	Use of ICAO Technical Instructions
171.12	Import and Export Shipments
171.12a	Canadian Shipments and Packagings
171.14	Transitional Provisions for Implementing Requirements Based on the UN Recommendations
171.18	Continuation of Effectiveness of Existing Bureau of Explosives Registrations
171.19	Approvals or Authorizations Issued by the Bureau of Explosives
171.20	Submission of Examination Reports

- b) The following interpretations of, additions to and deletions from the above incorporated sections of 49 CFR 171 shall apply for purposes of this Part.

- 1) All references to "this part" in the incorporated federal regulations shall mean Part 171 of the Illinois Hazardous Materials Transportation Regulations.
- 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.
- 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
- 4) All references to Part 176 or to sections therein shall be read to refer to that part or sections in the federal regulations.
- 5) All references to shipments of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.
- 6) All references to "these regulations" refers to the Illinois Hazardous Materials Transportation Regulations, 92 Ill. Adm. Code 107 through 180.
- 7) All references to a "settlement agreement", in these regulations,

## DEPARTMENT OF TRANSPORTATION

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means a written understanding between the Department and the person being charged.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF TRANSPORTATION

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1) Heading of the Part: Hazardous Materials Table and Hazardous Materials Communications

2) Code Citation: 92 Ill. Adm. Code 172

3) Section Numbers: Proposed Action:  
172.2000 Amend

4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)]

5) A complete description of the subjects and issues involved: By this Notice of Proposed Amendments, the Department is updating the date of incorporation by reference of 49 CFR 172, as of October 1, 1997, and including the federal rulemaking adopted at 63 FR 16070, April 1, 1998.

The Department's regulations will incorporate changes made in the following Docket:

Docket HM-206 (63 FR 16070, April 1, 1998): Clarifies the requirement for the display of identification numbers for large shipments of hazardous materials; revises the requirement for the display of ID numbers for non-bulk packages of HM poisonous by inhalation in Hazard Zones A and B; and revises the marking of a telephone number on the exterior of a transport vehicle containing hazardous materials.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

By U.S. Mail:

Ms. Catherine Allen



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

Illinois Department of Transportation  
Division of Traffic Safety  
P.O. Box 19212  
Springfield, Illinois 62794-9212  
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building  
3215 Executive Park Drive  
Commercial Vehicle Safety, 3rd Floor  
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
2300 South Dirksen Parkway, Room 300  
Springfield, Illinois 62764  
(217) 782-3215

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: This rulemaking affects small businesses that transport placarded hazardous materials.
- B) Reporting, bookkeeping or other procedures required for compliance: No additional requirements are necessary for compliance.
- C) Types of professional skills necessary for compliance: No additional skills are necessary for compliance.

13) Regulatory Agenda on which this rulemaking was summarized: July 1997

The full text of the Proposed Amendment(s) begins on the next page:

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION  
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SUBCHAPTER C: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

## PART 172

## HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS

Section	General
172.1000	Incorporation by Reference of 49 CFR 172
172.2215	Permanent Shipping Papers (Repealed)

**AUTHORITY:** Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

**SOURCE:** Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 6 Ill. Reg. 4287, 4487 and 4573, effective April 16, 1982; amended at 7 Ill. Reg. 3486, effective April 2, 1983; amended at 8 Ill. Reg. 19640, effective October 1, 1984; codified at 8 Ill. Reg. 19601; amended at 8 Ill. Reg. 19622, effective October 1, 1984; emergency amendment at 8 Ill. Reg. 22889, effective November 9, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 3810, effective March 11, 1985; Part repealed, new Part adopted at 10 Ill. Reg. 5864, effective April 1, 1986; amended at 10 Ill. Reg. 20759, effective December 1, 1986; emergency amendment at 11 Ill. Reg. 1690, effective January 16, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 4777, effective March 10, 1987; amended at 11 Ill. Reg. 7773, effective April 14, 1987; amended at 11 Ill. Reg. 17893, effective October 20, 1987; amended at 12 Ill. Reg. 8084, effective April 26, 1988; amended at 13 Ill. Reg. 3993, effective March 14, 1989; amended at 14 Ill. Reg. 2628, effective February 1, 1990; amended at 15 Ill. Reg. 7760, effective May 7, 1991; amended at 16 Ill. Reg. 11851, effective July 13, 1992; amended at 18 Ill. Reg. 7874, effective May 6, 1994; amended at 20 Ill. Reg. 6549, effective April 30, 1996; amended at 22 Ill. Reg. 5703, effective March 4, 1998; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 172.2000 Incorporation by Reference of 49 CFR 172

- a) As Part 172 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates 49 CFR 172 by reference, as that Part of the federal hazardous materials transportation regulations was in effect on October 1, 1997; as amended at 63 FR 16070, April 1, 1998 49667; as amended at 62 FR 13177, January 8, 1997; as amended at 62 FR 14434, March 26, 1997; as amended at 62 FR 24690, May 6, 1997; as amended at 62 FR 39767, June 5, 1997; as amended at 62 FR 34667, June 27, 1997; as amended at 62 FR 39398, July 23, 1997; as amended at 62 FR 45703, August 29, 1997; as amended at 62 FR 46214, September 27, 1997; and as amended at 62 FR 51554, October 17, 1997, subject only to the exceptions in subsection (b) of this Section. No

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later amendments to or editions of 49 CFR 172 are incorporated.

- b) The following interpretations of, additions to and deletions from 49 CFR 172 shall apply for purposes of this Part.

- 1) All references to "this part" in the incorporated federal regulations shall mean Part 172 of the Illinois Hazardous Materials Transportation Regulations.
- 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.
- 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
- 4) All references to Parts 174, 175, or 176, or to sections therein shall be read to refer to those parts or sections in the federal hazardous materials transportation regulations.
- 5) All references to shipment of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.
- 6) Any changes to 49 CFR 172 made effective by U.S. DOT Rulemaking Docket HM-187 [49 FR 21933 (May 24, 1984)] covering small arms ammunition are not incorporated.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Procedures
- 2) Code Citation: 92 Ill. Adm. Code 107
- 3) Section Numbers: Proposed Action:  
107.601 Amend
- 4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)]
- 5) A complete description of the subjects and issues involved: By this Notice of Proposed Amendments, the Department is updating the date of incorporation by reference of 49 CFR 107, Subpart G as of October 1, 1997.
- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking will not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

## By U.S. Mail:

Ms. Catherine Allen  
Illinois Department of Transportation  
Division of Traffic Safety  
P.O. Box 19212  
Springfield, Illinois 62794-9212  
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building  
3215 Executive Park Drive  
Commercial Vehicle Safety, 3rd Floor  
Springfield, Illinois

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
2300 South Dirksen Parkway, Room 300  
Springfield, Illinois 62764  
(217) 782-3215

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: This rulemaking affects small businesses that transport placarded hazardous materials.
- B) Reporting, bookkeeping or other procedures required for compliance: No additional requirements are necessary for compliance.
- C) Types of professional skills necessary for compliance: No additional skills are necessary for compliance.

13) Regulatory Agenda on which this rulemaking was summarized: July 1997

The full text of the Proposed Amendment(s) begins on the next page:

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TITLE 92: TRANSPORTATION  
CHAPTER I: DEPARTMENT OF TRANSPORTATION  
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PART 107  
PROCEDURES

## SUBPART A: GENERAL PROVISIONS

Section  
107.1  
107.3  
107.5  
107.11  
107.13

Purpose and Scope  
Definitions  
Request for Confidential Treatment  
Service  
Subpoenas

## SUBPART B: EXEMPTIONS

Section  
107.101  
107.102  
107.103  
107.105  
107.107  
107.109  
107.111  
107.117  
107.119  
107.121  
107.123

Purpose and Scope  
Persons Holding Federal Exemptions  
Applications for Exemptions for Persons Transporting Hazardous Materials Not Governed by the Federal Hazardous Materials Regulations  
Application for Renewal  
Initial Application Review  
Processing of Application  
Party to an Exemption  
Withdrawal  
Termination  
Appeal  
Availability for Public Inspection

## SUBPART D: ENFORCEMENT

Section  
107.301  
107.303  
107.305  
107.307  
107.308  
107.309  
107.310  
107.311  
107.313  
107.314  
107.315  
107.316  
107.317  
107.318

Responsibility for Enforcement  
Purpose and Scope  
Investigations  
Inspection and Examination of Records and Properties  
Notice of Apparent Violation  
Stopping of Vehicles  
Department Review of Notice of Apparent Violation  
Warning Letter  
Civil Penalties Generally  
Maximum Penalties  
Commencement of Civil Penalty Proceeding  
Reply  
Payment of Penalty  
Request for Hearing



DEPARTMENT OF TRANSPORTATION  
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incorporated.  
b) The following interpretations of, additions to and deletions from 49 CFR 107, subpart G shall apply for the purposes of this Subpart.  
1) Any reference to "this Part" in the incorporated material shall mean 92 Ill. Adm. Code 107.  
2) Any reference to "this Chapter" or "this Subchapter" in the incorporated material shall mean 92 Ill. Adm. Code: Chapter I, Subchapter C.  
3) Any reference to a section in the incorporated material shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.  
(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

DEPARTMENT OF TRANSPORTATION  
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107.319 Hearing  
107.320 Presiding Officer's Decision  
107.321 Assessment Considerations  
107.323 Appeal  
107.331 Compliance Orders Generally  
107.333 Notice of Probable Violation  
107.334 Reply  
107.335 Consent Order  
107.336 Hearing  
107.337 Presiding Officer's Decision  
107.338 Compliance Order For Immediate Compliance  
107.339 Appeal  
107.341 Injunctions and Other Equitable Relief  
107.343 Imminent Hazards  
107.371 Criminal Penalties Generally  
107.373 Referral for Prosecution

SUBPART E: REGISTRATION OF PERSONS WHO OFFER OR TRANSPORT HAZARDOUS MATERIALS

Section 107.601 Incorporation by Reference of 49 CFR 107, Subpart G  
APPENDIX A Standard Conditions Applicable to Exemptions, Packages Containers, Shipments

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 3 Ill. Reg. 49, p. 273, effective December 10, 1979; amended at 6 Ill. Reg. 4287, effective April 16, 1982; codified at 8 Ill. Reg. 17979; amended at 10 Ill. Reg. 5876, effective April 1, 1986; amended at 14 Ill. Reg. 2633, effective February 1, 1990; amended at 14 Ill. Reg. 8189, effective May 15, 1990; amended at 18 Ill. Reg. 7881, effective May 6, 1994; amended at 20 Ill. Reg. 6554, effective April 30, 1996; amended at 22 Ill. Reg. 5708, effective March 4, 1998; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART E: REGISTRATION OF PERSONS WHO OFFER OR TRANSPORT HAZARDOUS MATERIALS

Section 107.601 Incorporation by Reference of 49 CFR 107, Subpart G

a) 49 CFR 107, subpart G is hereby incorporated by reference as that subpart G of the Hazardous Materials Transportation Regulations was in effect on October 1, 1997. No later amendments to or editions of 49 CFR 107, subpart G are

## DEPARTMENT OF TRANSPORTATION

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- 1) Heading of the Part: Shippers General Requirements for Shipments and Packagings
- 2) Code Citation: 92 Ill. Adm. Code 173
- 3) Section Numbers: Proposed Action:  
173.3000 Amend
- 4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)]
- 5) A complete description of the subjects and issues involved: By this Notice of Proposed Amendments, the Department is updating the date of incorporation by reference of 49 CFR 173, as of October 1, 1997, and including the federal rulemakings adopted at 63 FR 1884, January 12, 1998 and 63 FR 8140, February 18, 1998.

The Department's regulations will incorporate changes made in the following Dockets:

Docket HM-215B (63 FR 1884, January 12, 1998): Corrects a minor error in the May 6, 1997 final rule.

Docket HM-200 (63 FR 8140, February 18, 1998): Corrects the date (October 1, 1998) for States to develop legislation authorizing certain exceptions recognized in the HMR; clarifies packaging requirements for HM transported for agricultural operations; corrects size requirements for identification number marking; and clarifies provisions for the use of non-specification cargo tanks transporting gasoline.

- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? Yes
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking will not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

By U.S. Mail:

Ms. Catherine Allen  
Illinois Department of Transportation  
Division of Traffic Safety  
P.O. Box 19212  
Springfield, Illinois 62794-9212  
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building  
3215 Executive Park Drive  
Commercial Vehicle Safety, 3rd Floor  
Springfield, Illinois

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
2300 South Dirksen Parkway, Room 300  
Springfield, Illinois 62764  
(217) 782-3215

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: This rulemaking affects small businesses that transport placarded hazardous materials.
- B) Reporting, bookkeeping or other procedures required for compliance: No additional requirements are necessary for compliance.
- C) Types of professional skills necessary for compliance: No additional skills are necessary for compliance.

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1997

The full text of the Proposed Amendment(s) begins on the next page:

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regulations shall mean Part 173 of the Illinois Hazardous Materials Transportation Regulations.  
2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.

3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.

4) All references to parts 174, 175 or 176 or to sections therein shall be read to refer to those parts or sections in the federal hazardous materials transportation regulations.

5) All references to shipment of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.

6) Any changes to 49 CFR 173 made effective by U.S. DOT rulemaking Docket HM-187 (49 FR 21933 (May 24, 1984)) covering small arms ammunition are not incorporated.

7) 49 CFR 173.8(d)(3) is not incorporated by reference and is replaced by the following:

A non-specification metal tank having a capacity of less than 450 liters (119 gallons) is authorized in Illinois for the transportation of flammable liquid petroleum products by an intrastate motor carrier subject to the following conditions:

A) Containers shall be tanks constructed of 18 gauge or heavier steel or equivalent gauge aluminum.

B) Tanks shall be securely fastened to prevent separation from the vehicle.

C) Tanks shall be electrically bonded to the frame of the vehicle.

D) Tanks shall be protected against leakage or damage in the event of a turnover.

E) Tanks may not be drained by gravity. Top mounted pumps must be designed and labeled for use with flammable and combustible liquids. No top mounted pump shall be higher than the highest point of the vehicle or permanently attached apertures (i.e., roll bars).

F) Flammable liquid petroleum products being transported on a single vehicle may not exceed 450 liters (119 gallons).

G) Flammable liquid petroleum product is offered for transportation and transported in conformance with all other applicable requirements of this Subchapter.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

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NOTICE OF PROPOSED AMENDMENTS  
TITLE 92: TRANSPORTATION  
CHAPTER I: DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER C: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS  
PART 173  
SHIPPER GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

Section 173.2000 General  
173.3000 Incorporation by Reference of 49 CFR 173

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, P. A1, effective February 1, 1979; amended at 4 Ill. Reg. 30, P. 1244, effective July 10, 1980; amended at 5 Ill. Reg. 1715, effective February 9, 1981; amended at 6 Ill. Reg. 4287, effective April 16, 1982; amended at 6 Ill. Reg. 10036, effective August 2, 1982; amended at 7 Ill. Reg. 3486, effective April 12, 1983; codified at 8 Ill. Reg. 20015; Part repealed, new Part adopted at 10 Ill. Reg. 5886, effective April 1, 1986; amended at 10 Ill. Reg. 20764, effective December 1, 1986; amended at 11 Ill. Reg. 4781, effective March 10, 1987; amended at 11 Ill. Reg. 17898, effective October 20, 1987; amended at 12 Ill. Reg. 8089, effective April 26, 1988; amended at 13 Ill. Reg. 3998, effective March 14, 1989; amended at 14 Ill. Reg. 2651, effective February 1, 1990; amended at 15 Ill. Reg. 7765, effective May 7, 1991; amended at 16 Ill. Reg. 11856, effective July 13, 1992; amended at 18 Ill. Reg. 7895, effective May 6, 1994; amended at 20 Ill. Reg. 6560, effective April 30, 1996; amended at 22 Ill. Reg. 5720, effective March 4, 1998; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

Section 173.3000 Incorporation by Reference of 49 CFR 173

a) As Part 173 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates 49 CFR 173 by reference, as that Part of the federal hazardous materials transportation regulations was in effect on October 1, 1997; as amended at 63 FR 1884, January 12, 1998; and as amended at 63 FR 8140, February 18, 1998 1996; as amended at 61 FR 68952, December 30, 1996; as amended at 62 FR 1217, January 8, 1997; as amended at 62 FR 14334, March 26, 1997; as amended at 62 FR 24699, May 6, 1997; as amended at 62 FR 45702, August 20, 1997; as amended at 62 FR 49569, September 22, 1997; and as amended at 62 FR 51547, October 17, 1997, subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of 49 CFR 173 are incorporated.

b) The following interpretations of, additions to and deletions from 49 CFR 173 shall apply for purposes of this Part.  
1) All references to "this part" in the incorporated federal



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1) Heading of the Part: Specifications for Packagings2) Code Citation: 92 Ill. Adm. Code 1783) Section Numbers:  
178.2000 Proposed Action:  
Amend4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)]5) A complete description of the subjects and issues involved: By this Notice of Proposed Amendments, the Department is updating the date of incorporation by reference of 49 CFR 178, as of October 1, 1997.6) Will this proposed rulemaking replace an emergency rule currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Does this proposed amendment contain incorporations by reference? Yes9) Are there any other amendments pending on this Part? No10) Statement of Statewide Policy Objectives: This rulemaking will not affect units of local government.11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

By U.S. Mail:

Ms. Catherine Allen  
Illinois Department of Transportation  
Division of Traffic Safety  
P.O. Box 19212  
Springfield, Illinois 62794-9212  
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building  
3215 Executive Park Drive  
Commercial Vehicle Safety, 3rd Floor  
Springfield, Illinois

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
2300 South Dirksen Parkway, Room 300  
Springfield, Illinois 62764  
(217) 782-3215

Comments received within 45 days after the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:A) Types of small businesses affected: This rulemaking affects small businesses that transport placarded hazardous materials.B) Reporting, bookkeeping or other procedures required for compliance: No additional requirements are necessary for compliance.C) Types of professional skills necessary for compliance: No additional skills are necessary for compliance.13) Regulatory Agenda on which this rulemaking was summarized: July 1997The full text of the Proposed Amendment(s) begins on the next page:

DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION  
CHAPTER I: DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER C: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 178  
SPECIFICATIONS FOR PACKAGINGS

Specification MC 300; Cargo Tanks Constructed of Mild (Open Hearth or Blue Annealed) Steel, or Combination of Mild Steel with High Tensile Steel, or Stainless Steel, Primarily For the Transportation of Flammable Liquids or Poisonous Liquids, Class B

- Section  
178.321
- 178.321.0.1
  - 178.321.0.2
  - 178.321.0.3
  - 178.321.0.4
  - 178.321.0.5
  - 178.321.0.6
  - 178.321.0.7
  - 178.321.0.8
  - 178.321.0.9
  - 178.321.1.0
  - 178.321.1.1
  - 178.321.1.2
  - 178.321.1.3
  - 178.321.1.4
  - 178.321.1.5
  - 178.321.1.6
  - 178.321.1.7
  - 178.321.1.8

- [178.321-1] General Requirements
- [178.321-2] Material
- [178.321-3] Thickness
- [178.321-4] Joints
- [178.321-5] Bulkheads, Baffles, and Ring Stiffeners
- [178.321-6] Closures for Manholes
- [178.321-7] Overturn Protection
- [178.321-8] Outlets
- [178.321-9] Vents, Valves, and Connections
- [178.321-10] Protection of Fittings
- [178.321-11] Emergency Discharge Control
- [178.321-12] Shear Section
- [178.321-13] Anchoring of Tank
- [178.321-14] Gauging Devices
- [178.321-15] Pumps
- [178.321-16] Testing Requirements
- [178.321-17] Marking of Cargo Tanks
- [178.321-18] Certification

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TITLE 92: TRANSPORTATION  
CHAPTER I: DEPARTMENT OF TRANSPORTATION  
SUBCHAPTER C: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 178  
SPECIFICATIONS FOR PACKAGINGS

Specification MC 301; Cargo Tanks Constructed of Welded Aluminum (High-Tensile Steel), or Stainless Steel, Primarily For the Transportation of Flammable Liquids, or Poisonous Liquids, Class B

- Section  
178.322
- 178.322.0.1
  - 178.322.0.2
  - 178.322.0.3
  - 178.322.0.4
  - 178.322.0.5
  - 178.322.0.6
  - 178.322.0.7
  - 178.322.0.8
  - 178.322.0.9
  - 178.322.1.0
  - 178.322.1.1
  - 178.322.1.2
  - 178.322.1.3
  - 178.322.1.4
  - 178.322.1.5
  - 178.322.1.6
  - 178.322.1.7
  - 178.322.1.8

- [178.322-1] General Requirements
- [178.322-2] Material
- [178.322-3] Thickness of Metal
- [178.322-4] Joints
- [178.322-5] Bulkheads, Baffles, and Ring Stiffeners
- [178.322-6] Closures for Manholes
- [178.322-7] Overturn Protection
- [178.322-8] Outlets
- [178.322-9] Vents, Valves, and Connections
- [178.322-10] Protection of Fittings
- [178.322-11] Emergency Discharge Control
- [178.322-12] Shear Section
- [178.322-13] Anchoring of Tank
- [178.322-14] Gauging Devices
- [178.322-15] Pumps
- [178.322-16] Testing Requirements
- [178.322-17] Marking of Cargo Tanks
- [178.322-18] Certification

Specification MC 303; Cargo Tanks Constructed of Welded Ferrous Alloy (High-Tensile Steel), or Stainless Steel, Primarily For the Transportation of Flammable Liquids, or Poisonous Liquids, Class B

- [178.324-1] General Requirements
- [178.324-2] Material
- [178.324-3] Thickness of Metal
- [178.324-4] Joints
- [178.324-5] Bulkheads, Baffles, and Ring Stiffeners
- [178.324-6] Closures for Manholes
- [178.324-7] Overturn Protection
- [178.324-8] Outlets
- [178.324-9] Vents, Valves, and Connections
- [178.324-10] Protection of Fittings
- [178.324-11] Emergency Discharge Control
- [178.324-12] Shear Section
- [178.324-13] Anchoring of Tank
- [178.324-14] Gauging Devices
- [178.324-15] Pumps
- [178.324-16] Testing Requirements
- [178.324-17] Marking of Cargo Tanks
- [178.324-18] Certification

Specification MC 304; Cargo Tanks Constructed of Mild (Open Hearth or Blue Annealed) Steel, Welded Ferrous Alloy (High-Tensile) Steel, or Aluminum, Primarily For the Transportation of Flammable Liquids, or Poisonous Liquids, Class B

- [178.324.0.1
- 178.324.0.2
- 178.324.0.3
- 178.324.0.4
- 178.324.0.5
- 178.324.0.6
- 178.324.0.7
- 178.324.0.8
- 178.324.0.9
- 178.324.1.0
- 178.324.1.1
- 178.324.1.2
- 178.324.1.3
- 178.324.1.4
- 178.324.1.5
- 178.324.1.6
- 178.324.1.7
- 178.324.1.8

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B, Having Reid (ASTM D-323) Vapor Pressures of 18 PSIA or More at 100 degrees F., But Less Than Those Stated in 92 Ill. Adm. Code 173.300, In Defining Compressed Gases

178.325.0.1

[178.325-1] General Requirements

178.325.0.2

[178.325-2] Material

178.325.0.3

[178.325-3] Thickness of Metal

178.325.0.4

[178.325-4] Joints

178.325.0.5

[178.325-5] Bulkheads, Baffles, and Ring Stiffeners

178.325.0.6

[178.325-6] Closures for Manholes

178.325.0.7

[178.325-7] Overtum Protection

178.325.0.8

[178.325-8] Tank Outlets

178.325.0.9

[178.325-9] Safety Relief Devices, Valves, and Connections

178.325.1.0

[178.325-10] Protection of Fittings

178.325.1.1

[178.325-11] Emergency Discharge Control

178.325.1.2

[178.325-12] Shear Section

178.325.1.3

[178.325-13] Anchoring of Cargo Tank

178.325.1.4

[178.325-14] Gauging Devices

178.325.1.5

[178.325-15] Pumps

178.325.1.6

[178.325-16] Testing Requirements

178.325.1.7

[178.325-17] Marking of Cargo Tanks

178.325.1.8

[178.325-18] Certification

178.326

Specification MC 305; Cargo Tanks Constructed of Aluminum Alloys for High-Strength Welded Construction, Primarily For the Transportation of Flammable Liquids, or Poisonous Liquids, Class B

178.326.0.1

[178.326-1] General Requirements

178.326.0.2

[178.326-2] Material

178.326.0.3

[178.326-3] Thickness of Sheets

178.326.0.4

[178.326-4] Joints

178.326.0.5

[178.326-5] Bulkheads, Baffles, and Ring Stiffeners

178.326.0.6

[178.326-6] Closures for Manholes

178.326.0.7

[178.326-7] Overtum Protection

178.326.0.8

[178.326-8] Tank Outlets

178.326.0.9

[178.326-9] Vents, Valves, and Connections

178.326.1.0

[178.326-10] Protection of Fittings

178.326.1.1

[178.326-11] Emergency Discharge Control

178.326.1.2

[178.326-12] Shear Section

178.326.1.3

[178.326-13] Anchoring of Cargo Tank

178.326.1.4

[178.326-14] Gauging Devices

178.326.1.5

[178.326-15] Pumps

178.326.1.6

[178.326-16] Testing Requirements

178.326.1.7

[178.326-17] Marking of Cargo Tanks

178.326.1.8

[178.326-18] Certification

178.330

Specification MC 310; Cargo Tanks Constructed of Ferrous Materials, Primarily For the Transportation of Corrosive Liquids

178.330.0.1

[178.330-1] General Requirements

178.330.0.2

[178.330-2] Material

178.330.0.3

[178.330-3] Thickness of Metal

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178.330.0.4

[178.330-4] Joints

178.330.0.5

[178.330-5] Bulkheads, Baffles, Ring Stiffeners, Tank Supports, and Compartmentation

178.330.0.6

[178.330-6] Closures for Manholes

178.330.0.7

[178.330-7] Overtum Protection

178.330.0.8

[178.330-8] Outlets

178.330.0.9

[178.330-9] Vents, Valves, and Connections

178.330.1.0

[178.330-10] Protection of Fittings

178.330.1.1

[178.330-11] Emergency Discharge Control

178.330.1.2

[178.330-12] Shear Section

178.330.1.3

[178.330-13] Anchoring of Tank

178.330.1.4

[178.330-14] Gauging Devices

178.330.1.5

[178.330-15] Pumps and Compressors

178.330.1.6

[178.330-16] Testing Requirements

178.330.1.7

[178.330-17] Marking of Cargo Tanks

178.330.1.8

[178.330-18] Certification

178.331

Specification MC 311; Cargo Tanks Constructed of Ferrous Metals or Aluminum, Primarily For the Transportation of Corrosive Liquids

178.331.0.1

[178.331-1] General Requirements

178.331.0.2

[178.331-2] Material

178.331.0.3

[178.331-3] Thickness of Metal

178.331.0.4

[178.331-4] Joints

178.331.0.5

[178.331-5] Bulkheads, Baffles, Ring Stiffeners, Tank Supports, and Compartmentation

178.331.0.6

[178.331-6] Closures for Manholes

178.331.0.7

[178.331-7] Overtum Protection

178.331.0.8

[178.331-8] Outlets

178.331.0.9

[178.331-9] Vents, Valves, and Connections

178.331.1.0

[178.331-10] Protection of Fittings

178.331.1.1

[178.331-11] Emergency Discharge Control

178.331.1.2

[178.331-12] Shear Section

178.331.1.3

[178.331-13] Anchoring of Tank

178.331.1.4

[178.331-14] Gauging Devices

178.331.1.5

[178.331-15] Pumps and Compressors

178.331.1.6

[178.331-16] Testing Requirements

178.331.1.7

[178.331-17] Marking of Cargo Tanks

178.331.1.8

[178.331-18] Certification

178.336

Specification MC 330; Cargo Tanks Constructed of Steel, Primarily For Transportation of Compressed Gases

178.336.0.1

[178.336-1] General Requirements

178.336.0.2

[178.336-2] Material

178.336.0.3

[178.336-3] Thickness of Metal

178.336.0.4

[178.336-4] Joints

178.336.0.5

[178.336-5] Bulkheads, Baffles, and Ring Stiffeners

178.336.0.6

[178.336-6] Closures for Manholes

178.336.0.7

[178.336-7] Overtum Protection

178.336.0.8

[178.336-8] Outlets



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178.336.0.9	[178.336-9] Safety Relief Devices, Valves, and Connections	178.341.0.2	[178.341-2] Thickness of Shells, Heads, Bulkheads, and Baffles (Repealed)
178.336.1.0	[178.336-10] Protection of Fittings	178.341.0.3	[178.341-3] Closures for Fill Openings and Manholes (Repealed)
178.336.1.1	[178.336-11] Emergency Discharge Control	178.341.0.4	[178.341-4] Vents (Repealed)
178.336.1.2	[178.336-12] Shear Section	178.341.0.5	[178.341-5] Emergency Flow Control (Repealed)
178.336.1.3	[178.336-13] Anchoring of Cargo Tank	178.341.0.6	[178.341-6] Gauging Devices (Repealed)
178.336.1.4	[178.336-14] Gauging Devices	178.341.0.7	[178.341-7] Method of Test (Repealed)
178.336.1.5	[178.336-15] Pumps and Compressors	178.342	Specification MC 307; Cargo Tanks (Repealed)
178.336.1.6	[178.336-16] Testing Requirements	178.342.0.1	[178.342-1] General Requirements (Repealed)
178.336.1.7	[178.336-17] Marking of Cargo Tanks	178.342.0.2	[178.342-2] Thickness of Shell, Heads, Bulkheads, and Baffles (Repealed)
178.336.1.8	[178.336-18] Certification	178.342.0.3	[178.342-3] Closures for Manholes (Repealed)
178.337	Specification MC 331; Cargo Tanks Constructed of Steel, Primarily For Transportation of Compressed Gases, As Defined In the Compressed Gas Section (Repealed)	178.342.0.4	[178.342-4] Vents (Repealed)
178.337.0.1	[178.337-1] General Requirements (Repealed)	178.342.0.5	[178.342-5] Outlets (Repealed)
178.337.0.2	[178.337-2] Material (Repealed)	178.342.0.6	[178.342-6] Gauging Devices (Repealed)
178.337.0.3	[178.337-3] Thickness of Tank Metal (Repealed)	178.342.0.7	[178.342-7] Method of Test (Repealed)
178.337.0.4	[178.337-4] Joints (Repealed)	178.343	Specification MC 312; Cargo Tanks (Repealed)
178.337.0.5	[178.337-5] Bulkheads, Baffles, and Ring Stiffeners (Repealed)	178.343.0.1	[178.343-1] General Requirements (Repealed)
178.337.0.6	[178.337-6] Closure for Manhole (Repealed)	178.343.0.2	[178.343-2] Thickness of Shell, Heads, Bulkheads, and Baffles of Non-Asme Code Tanks (Repealed)
178.337.0.7	[178.337-7] Overturn Protection (Repealed)	178.343.0.3	[178.343-3] Closures for Manholes (Repealed)
178.337.0.8	[178.337-8] Outlets (Repealed)	178.343.0.4	[178.343-4] Vents (Repealed)
178.337.0.9	[178.337-9] Safety Relief Devices, Valves, and Connections (Repealed)	178.343.0.5	[178.343-5] Outlets (Repealed)
178.337.1.0	[178.337-10] Protection of Fittings (Repealed)	178.343.0.6	[178.343-6] Gauging Devices (Repealed)
178.337.1.1	[178.337-11] Emergency Discharge Control (Repealed)	178.343.0.7	[178.343-7] Method of Test (Repealed)
178.337.1.2	[178.337-12] Shear Section (Repealed)	178.350	Specification 7A; General Packaging, Type A (Repealed)
178.337.1.3	[178.337-13] Supporting and Anchoring (Repealed)	178.350.0.1	[178.350-1] General Requirements (Repealed)
178.337.1.4	[178.337-14] Gauging Devices (Repealed)	178.350.0.2	[178.350-2] Specific Requirements (Repealed)
178.337.1.5	[178.337-15] Pumps and Compressors (Repealed)	178.350.0.3	[178.350-3] Marking (Repealed)
178.337.1.6	[178.337-16] Testing (Repealed)	178.1000	General
178.337.1.7	[178.337-17] Marking (Repealed)	178.2000	Incorporation by Reference of 49 CFR 178
178.337.1.8	[178.337-18] Certification (Repealed)		
178.340	General Design and Construction Requirements Applicable to Specifications MC 306 (Section 178.341), MC 307 (Section 178.342), and MC 312 (Section 178.343) Cargo Tanks (Repealed)	APPENDIX C	Tensile Specimen
178.340.0.1	[178.340-1] Specification Requirements For MC 306, MC 307, and MC 312 Cargo Tanks (Repealed)	APPENDIX D	Material Thickness (Repealed)
178.340.0.2	[178.340-2] General Requirements (Repealed)	TABLE A	Minimum Thickness of Heads, Bulkheads, and Baffles (Repealed)
178.340.0.3	[178.340-3] Material (Repealed)	TABLE B	Minimum Thickness of Shell Sheets (Repealed)
178.340.0.4	[178.340-4] Structural Integrity (Repealed)		
178.340.0.5	[178.340-5] Joints (Repealed)		
178.340.0.6	[178.340-6] Supports and Anchoring (Repealed)		
178.340.0.7	[178.340-7] Circumferential Reinforcements (Repealed)		
178.340.0.8	[178.340-8] Accident Damage Protection (Repealed)		
178.340.0.9	[178.340-9] Pumps (Repealed)		
178.340.1.0	[178.340-10] Certification (Repealed)		
178.341	Specification MC 306; Cargo Tanks (Repealed)		
178.341.0.1	[178.341-1] General Requirements (Repealed)		

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. Al, effective February 1, 1979; amended at 5 Ill. Reg. 1715, effective February 9, 1981; amended at 6 Ill. Reg. 10036, effective August 2, 1982; amended at 8 Ill. Reg. 19640, effective October 1, 1984; codified at 8 Ill. Reg. 20047; amended at 8 Ill. Reg. 20064, effective October 1, 1984; amended at 10 Ill. Reg. 5897, effective April 1, 1986; amended at 10 Ill. Reg. 20770, effective December 1, 1986; amended at 11 Ill. Reg. 4786, effective March 10, 1987; amended at 11 Ill. Reg. 17904, effective October 20, 1987; amended at 12 Ill. Reg. 8093, effective April 26, 1988;

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amended at 13 Ill. Reg. 4004, effective March 14, 1989; amended at 14 Ill. Reg. 2640, effective February 1, 1990; amended at 15 Ill. Reg. 7771, effective May 7, 1991; amended at 16 Ill. Reg. 11863, effective July 13, 1992; amended at 18 Ill. Reg. 7901, effective May 6, 1994; amended at 20 Ill. Reg. 6566, effective April 30, 1996; amended at 22 Ill. Reg. 5726, effective March 4, 1998; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

AGENCY NOTE: In reading this Part it is necessary to read Sections 178.1000 and 178.2000 prior to reading the remaining Sections in numerical order.

## Section 178.2000 Incorporation by Reference of 49 CFR 178

- a) As Part 178 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates 49 CFR 178 by reference, as that Part of the federal hazardous materials transportation regulations was in effect on October 1, 1997 ~~1996~~ ~~as amended at 62-PR 143347--March-26-1997~~ ~~as amended at 62-PR-24699--May-6-1997~~ ~~and as amended at 62-PR-51547--October-17-1997~~, subject only to the exceptions in subsection (f) of this Section. No later amendments to or editions of 49 CFR 178 are incorporated.
- b) As Section 178.340 of the Illinois Hazardous Materials Transportation Regulations, the Department hereby incorporates 49 CFR 178.340 as that section of the federal hazardous materials transportation regulations was in effect on October 1, 1989.
- c) As Section 178.341 of the Illinois Hazardous Materials Transportation Regulations, the Department hereby incorporates 49 CFR 178.341 as that section of the federal hazardous materials transportation regulations was in effect on October 1, 1989.
- d) As Section 178.342 of the Illinois Hazardous Materials Transportation Regulations, the Department hereby incorporates 49 CFR 178.342 as that section of the federal hazardous materials transportation regulations was in effect on October 1, 1989.
- e) As Section 178.343 of the Illinois Hazardous Materials Transportation Regulations, the Department hereby incorporates 49 CFR 178.343 as that section of the federal hazardous materials transportation regulations was in effect on October 1, 1989.
- f) The following interpretations of, additions to and deletions from the 49 CFR 178 shall apply for purposes of this Part.
  - 1) All references to "this part" in the incorporated federal Materials Transportation Regulations.
  - 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter C.
  - 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation

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## Regulations.

- 4) All references to parts 174, 175 or 176, or to sections therein shall be read to refer to those parts or sections in the federal hazardous materials transportation regulations.

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Specifications for Tank Cars2) Code Citation: 92 Ill. Adm. Code 1793) Section Numbers: 179.2000  
Proposed Action: Amend4) Statutory Authority: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)]5) A complete description of the subjects and issues involved: By this Notice of Proposed Amendments, the Department is updating the date of incorporation by reference of 49 CFR 179, as of October 1, 1997.6) Will this proposed rulemaking replace an emergency rule currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Does this proposed amendment contain incorporations by reference? Yes9) Are there any other amendments pending on this Part? No10) Statement of Statewide Policy Objectives: This rulemaking will not affect units of local government.11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

By U.S. Mail:

Ms. Catherine Allen  
Illinois Department of Transportation  
Division of Traffic Safety  
P.O. Box 19212  
Springfield, Illinois 62794-9212  
(217) 785-1181

By Messenger or Inter-Agency Mail:

DOT Annex Building  
3215 Executive Park Drive  
Commercial Vehicle Safety, 3rd Floor  
Springfield, Illinois

## DEPARTMENT OF TRANSPORTATION

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JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
2300 South Dirksen Parkway, Room 300  
Springfield, Illinois 62764  
(217) 782-3215

Comments received within 45 days after the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:A) Types of small businesses affected: This rulemaking affects small businesses that transport placarded hazardous materials.B) Reporting, bookkeeping or other procedures required for compliance: No additional requirements are necessary for compliance.C) Types of professional skills necessary for compliance: No additional skills are necessary for compliance.13) Regulatory Agenda on which this rulemaking was summarized: July 1997The full text of the Proposed Amendment(s) begins on the next page:



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## NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION  
 CHAPTER 1: DEPARTMENT OF TRANSPORTATION  
 SUBCHAPTER C: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 179  
 SPECIFICATIONS FOR TANK CARS

Section  
 179.1000 General

179.2000 Incorporation By Reference of 49 CFR 179

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act [430 ILCS 30/4(a) and 9(a)].

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 6 Ill. Reg. 4287, effective April 16, 1982; old rules repealed, new rules adopted and codified at 8 Ill. Reg. 19677, effective October 1, 1984; amended at 10 Ill. Reg. 5909, effective April 1, 1986; amended at 10 Ill. Reg. 20824, effective December 1, 1986; amended at 11 Ill. Reg. 4796, effective March 10, 1987; amended at 11 Ill. Reg. 17915, effective October 20, 1987; amended at 12 Ill. Reg. 8102, effective April 26, 1988; amended at 15 Ill. Reg. 7781, effective May 7, 1991; amended at 16 Ill. Reg. 11875, effective July 13, 1992; amended at 18 Ill. Reg. 7912, effective May 6, 1994; amended at 20 Ill. Reg. 6577, effective April 30, 1996; amended at 22 Ill. Reg. 5736, effective March 4, 1998; amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 179.2000 Incorporation By Reference of 49 CFR 179

- a) As Part 179 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates the following sections of 49 CFR 179 by reference, as those sections of the federal hazardous materials transportation regulations were in effect on October 1, 1997 ~~1996~~ ~~as amended at 62-PR-51554, October-17-1997~~, subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of those sections of 49 CFR 179 of the federal regulations are incorporated.

179.1 General  
 179.2 Definitions and abbreviations  
 179.5 Certificate of Construction  
 179.6 Repairs and alterations  
 179.7 Quality Assurance program  
 179.10 Tank mounting  
 179.11 Welding certification  
 179.12 Interior heater systems  
 179.16 Tank-head puncture-resistance systems  
 179.18 Thermal protection systems

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179.20  
 179.22 Marking  
 179.300 General

Service equipment; protection systems  
 Marking  
 General specifications applicable to multi-unit tank car tanks designed to be removed from car structure for filling and emptying (classes DOT-106A and 110AW)  
 Individual specification requirements for multi-unit tank car tanks

179.301

- b) The following interpretations of, additions to and deletions from the above incorporated sections of 49 CFR 179 shall apply for purposes of this Part:

- 1) All references to "this part" in the incorporated federal regulations shall mean Part 179 of the Illinois Hazardous Materials Transportation Regulations.
- 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.
- 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations except references to Section 179.3 shall mean 49 CFR 179.3.
- 4) 49 CFR 179.2(a)(4) is deleted and replaced by the following: "'DOT' means the U.S. Department of Transportation and 'Department' means the Illinois Department of Transportation."

(Source: Amended at 22 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Licensing Standards for Child Welfare Agencies

2) Code Citation: 89 Ill. Adm. Code 401

3) Section Numbers: Adopted Action:

- 401.1 Repealed
- 401.2 Repealed
- 401.4 Repealed
- 401.5 Repealed
- 401.6 Repealed
- 401.7 Repealed
- 401.8 Repealed
- 401.9 Repealed
- 401.10 Repealed
- 401.11 Repealed
- 401.12 Repealed
- 401.13 Repealed
- 401.14 Repealed
- 401.15 Repealed
- 401.16 Repealed
- 401.17 Repealed
- 401.18 Repealed
- 401.19 Repealed
- 401.20 Repealed
- 401.21 Repealed
- 401.22 Repealed
- 401.23 Repealed
- 401.24 Repealed
- 401.25 Repealed
- 401.26 Repealed
- 401.30 New Section
- 401.40 New Section
- 401.100 New Section
- 401.110 New Section
- 401.120 New Section
- 401.130 New Section
- 401.140 New Section
- 401.150 New Section
- 401.160 New Section
- 401.200 New Section
- 401.210 New Section
- 401.220 New Section
- 401.230 New Section
- 401.240 New Section
- 401.250 New Section
- 401.260 New Section
- 401.270 New Section
- 401.300 New Section

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- 401.310 New Section
- 401.320 New Section
- 401.330 New Section
- 401.340 New Section
- 401.350 New Section
- 401.360 New Section
- 401.370 New Section
- 401.380 New Section
- 401.400 New Section
- 401.410 New Section
- 401.420 New Section
- 401.430 New Section
- 401.440 New Section
- 401.450 New Section
- 401.460 New Section
- 401.470 New Section
- 401.480 New Section
- 401.500 New Section
- Appendix A New Section
- Appendix B New Section
- Appendix C New Section
- Appendix D New Section
- Appendix E New Section
- Appendix F New Section
- Appendix G New Section
- Appendix H New Section

4) Statutory Authority: Child Care Act of 1969 [225 ILCS 10]

5) Effective Date of Rulemaking: May 26, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? Yes. The incorporations by reference were submitted to JCAR for its approval on April 2, 1998.

8) Date Filed in Agency's Principal Office: May 26, 1998

9) Notice of Proposal Published in Illinois Register: 21 Ill. Reg. 6286, May 30, 1997

10) Has JCAR Issued a Statement of Objection to these rules? No

11) Difference(s) between proposal and final version: General editing and technical agreements recommended by the Joint Committee on Administrative Rules were incorporated into this document. In addition, the following changes were made:

## DEPARTMENT OF CHILDREN AND FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

The rules were amended to clarify that the Department is incorporating the 1997 Standards of the Council on Accreditation of Services for Families and Children (COA) whenever COA standards are mentioned. In addition, in the definition of psychotropic medication, the materials incorporated are the AMA Drug Evaluations (the Drug Evaluation Subscription, American Medical Association, Vols. I-III, Summer 1993) and the Physician's Desk Reference (the Medical Economics Data Production Company, 49th edition, 1995).

Section 401.100(b)(2) - The rules were amended to require the agency to submit, with the application for initial license, a plan for recruiting foster family and adoptive homes, as necessary to fulfill the agency's mission.

Section 401.100(c) - An item (7) was added which requires agencies to have their financial management policies available for review by the licensing worker when evaluating the application for initial license.

Section 401.120(c) - An additional provision was added so the Department can require additional training of staff around specific deficiencies identified in a corrective plan.

Section 401.200 - The Department added language to clarify that only agencies which claim tax exemption under Section 501 of the Internal Revenue Code are required to submit proof of their tax exempt status.

Section 401.210(d)(7) - Language was added which allows board members to hold board meetings using conference telephone or communications equipment and for such meetings to be valid as if all parties were together in the same location.

Section 401.230(e) - Language was added to require agencies that use an outside accounting service to include provisions in the service contract which allow the Department to access the agency's financial records.

Section 401.250(b) - This subsection was modified to require that changes in license status be submitted within five days after the end of each month, rather than immediately.

Section 401.270 - New item (c) was added to require that records be retained for at least three years after all litigation, claims or audit findings involving the records have been resolved and final action taken.

Section 401.300(b)(3) was added to allow executive directors with Master's degrees in Business Administration or Health Administration and five years experience in administration to serve as executive director as long as the executive director never functions as the child welfare supervisor and the child welfare supervisor has a Master of Social Work degree or a Master's

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degree in a human services field.

Section 401.310 was modified to allow child welfare supervisors employed as of July 1, 1997 with a Master's degree and child welfare experience equivalent to the requirements of that Section to continue to hold their position in the agency where they are currently employed.

Section 401.420(a) was modified to add the requirement that foster parents must be seen by the child welfare worker at least monthly.

Section 401.460(c) was modified to require agencies to maintain licensing records on all facilities operating under its supervision and to require such facilities to keep the records required by their respective licensing standards.

Section 401.480, Agency Responsibilities for Independent Living Programs, was added.

Appendix G was modified to recognize two additional degrees as human service degrees. They include Child, Family and Community Services and Human Development Counseling. In addition, the rules allow DCFS to convene a five person panel to review course work which may qualify as human services course work and determine, on an individual case basis, whether the course work leading to degree is equivalent to a human services degree.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: The DCFS-Office of Inspector General conducted a study of licensed child welfare agencies which provide services to Department clients. This study uncovered serious deficiencies in the operation of licensed child welfare agencies in the State of Illinois around several distinct areas. Those areas include the qualifications and suitability of the board of directors, the financial and executive management of the child welfare agency, requirements for agency personnel, ethical matters (such as a clearly defined conflict of interest policy), the initial licensing process and licensing renewal process for child welfare agencies, and the operation of for-profit child welfare agencies. Since that report was released, the Department has been working with licensed child welfare agencies, advisory groups, and children's advocates to develop an appropriate response. These changes to the licensing standards for child welfare agencies are the Department's response, in part, to the recommendations made by the DCFS-Office of



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TITLE 89: SOCIAL SERVICES  
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 401  
LICENSING STANDARDS FOR CHILD WELFARE AGENCIES

Section	Purpose (Repealed)
401.1	Definitions (Repealed)
401.2	Effective Date of Standards (Repealed)
401.3	Application for License (Repealed)
401.4	Application for Renewal of License (Repealed)
401.5	Provisions Pertaining to License (Repealed)
401.6	Provisions Pertaining to Permit (Repealed)
401.7	Incorporation (Repealed)
401.8	Composition and Responsibilities of the Governing Body (Repealed)
401.9	Finances (Repealed)
401.10	The Administrator (Repealed)
401.11	Social Work Supervisors (Repealed)
401.12	Child Welfare Workers (Repealed)
401.13	Professional Staff (Repealed)
401.14	Support Personnel (Repealed)
401.15	Volunteers (Repealed)
401.16	Background Checks (Repealed)
401.17	Legal Safeguards of Children Served (Repealed)
401.18	Required Written Consents (Repealed)
401.19	Agency Responsibility (Repealed)
401.20	Interstate Placement of Children (Repealed)
401.21	Health and Medical Services for Children (Repealed)
401.22	Records and Reports (Repealed)
401.23	Records Retention (Repealed)
401.24	Agency Supervised Foster Family Homes, Group Homes and Day Care and Night Care Homes (Repealed)
401.25	Severability of This Part (Repealed)
401.26	

SUBPART A: INTRODUCTION AND DEFINITIONS

401.30	Purpose
401.40	Definitions

SUBPART B: PERMITS AND LICENSES

401.100	Application for License
401.110	Provisions Pertaining to Permits
401.120	Provisional Licenses
401.130	Provisions Pertaining to Licenses
401.140	Application for Renewal of License

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Inspector General.

- 16) Information and answers to questions regarding these Adopted Amendments shall be directed to:

Mr. Jerry B. Crabtree  
Office of Rules and Procedures  
Department of Children and Family Services  
406 E. Monroe Street, Station # 65  
Springfield, Illinois 62701  
Telephone number: (217) 524-1983  
TTY number: (217) 524-3715  
Internet address: ORPINFO@pop.state.il.us

The full text of Adopted Amendments begins on the next page:

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401.150 Acceptance of Accreditation in Lieu of License Renewal Study  
 401.160 Voluntary Surrender of License

## SUBPART C: ADMINISTRATION AND FINANCIAL MANAGEMENT

401.200 Incorporation  
 401.210 Composition and Responsibilities of the Governing Body  
 401.220 Organization and Administration  
 401.230 Finances  
 401.240 Background Checks  
 401.250 Required Reporting to the Department  
 401.260 Required Record Keeping  
 401.270 Records Retention

## SUBPART D: PERSONNEL REQUIREMENTS

401.300 The Executive Director  
 401.310 Child Welfare Supervisors  
 401.320 Child Welfare Workers  
 401.330 Licensing Staff  
 401.340 Professional Staff  
 401.350 Support Personnel  
 401.360 Use of Volunteer Services  
 401.370 Non-Discrimination Against Employees Who Report Suspected Licensing Violations  
 401.380 Personnel Records

## SUBPART E: SERVICES TO CHILDREN

401.400 Legal Safeguards of Children Served  
 401.410 Required Written Consents  
 401.420 Agency Responsibility  
 401.430 Interstate Placement of Children  
 401.440 Health and Medical Services for Children  
 401.450 Transportation of Children  
 401.460 Agency Supervised Foster Family Homes, Group Homes and Day Care Homes  
 401.470 Agency Responsibilities for Adoption Services  
 401.480 Agency Responsibilities for Independent Living Programs

## SUBPART F: SEVERABILITY CLAUSE

401.500 Severability of This Part

APPENDIX A Licensing Progression for Child Welfare Agencies  
 APPENDIX B Requirements for Operation of Branch Offices  
 APPENDIX C Financial Analysis of Child Welfare Agency Operations  
 APPENDIX D Minimum Requirements for a Risk Management Plan  
 APPENDIX E Acceptance of Voluntary Surrender of License - NO

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APPENDIX F Investigations Pending  
 Acceptance of Voluntary Surrender of License - Investigations Pending  
 APPENDIX G Acceptable Human Services Degrees  
 APPENDIX H Professionals Who Must Be Registered or Licensed to Practice in the State of Illinois

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 10].

SOURCE: Adopted and codified at 5 Ill. Reg. 11351, effective November 12, 1981; amended at 7 Ill. Reg. 3428, effective April 4, 1983; amended at 11 Ill. Reg. 17511, effective October 15, 1987; amended at 21 Ill. Reg. 4502, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 9151, effective July 1, 1997, for a maximum of 150 days; emergency amendment modified in response to JCAR Objection at 21 Ill. Reg. 13929 and 14379; emergency expired on November 26, 1997. MAY 26 1998 at 22 Ill. Reg. 10328, effective MAY 26 1998.

## Section 401.1 Purpose (Repealed)

- a) The purpose of this part is to prescribe the standards for licensure as a child welfare agency and to describe how to apply for a license.  
 b) The licensing standards set forth in this part are applicable to child welfare agencies as defined in the Child Care Act.

(Source: Repealed at 22 Ill. Reg. 10328, effective MAY 26 1998)

## Section 401.2 Definitions (Repealed)

"Access to children" means an employee's job duties require that the employee be present in a licensed child care facility during the hours that children are present in the facility; in addition, any person who is permitted to be alone outside the visual or auditory supervision of facility staff with children receiving care in a licensed child care facility is subject to the background check requirements of this part.

"Background check" means:

- a criminal history via fingerprints of persons age 18 and over which are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI) for comparison to their criminal history records, as appropriate, or via a BEADS check of persons ages 13 through 17, and
- a check of the Child Abuse and Neglect Tracking System (CANTS)

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and--other--state--child--protection--systems--as--appropriate--to  
determine--whether--an--individual--is--currently--alleged--or--has--been  
indicated--as--a--perpetrator--of--child--abuse--or--neglect--and  
- a--check--of--the--Statewide--Child--Sex--Offender--Registry.

"Child"--means--any--person--under--18--years--of--age. (Section 2-01 of the  
Child-Care-Act of 1969 (225 ILCS 10/2-01))

"Child-care-facility"--means--any--person--group--of--persons--agency  
association--or--organization--whether--established--for--gain--or  
otherwise--who--or--which--receives--or--arranges--for--care--or--placement--of  
one--or--more--children--unrelated--to--the--operator--of--the--facility--apart  
from--the--parents--with--or--without--the--transfer--of--the--right--of--custody  
in--any--facility--as--defined--in--the--Child-Care-Act--of--1969--established  
and--maintained--for--the--care--of--children. (Section 2-05 of the Child  
Care-Act of 1969)

"Child-welfare-agency"--means--a--public--or--private--child-care-facility  
receiving--any--child--or--children--for--the--purpose--of--placing--or  
arranging--for--placement--of--the--child--or--children--in--foster-family  
homes--or--other--facilities--for--child-care--apart--from--the--custody--of  
the--child's--or--children's--parents. (Section 2-08 of the Child-Care  
Act of 1969)

"Conditional-employee"--means--an--individual--(including--any--substitute  
or--assistant)--who--has--applied--for--and--been--conditionally--selected--to  
perform--child-care--functions--or--administrative--professional--or  
support--functions--that--allow--access--to--children--as--defined--in--this  
Section--and--who--has--commenced--such--duties--while--awaiting--the--results  
of--the--background--check--required--by--this--Part.

"Department"--means--the--Illinois--Department--of--Children--and--Family  
Services. (Section 3-02 of the Child-Care-Act of 1969)

"Initial-background-check"--means--the--individual--has--cleared--a--check--of  
the--Child--Abuse--and--Neglect--Tracking--System--and--the--Statewide--Child  
Sex--Offender--Registry.

"License"--means--a--document--issued--by--the--Department--which--authorizes  
child-care-facilities--to--operate--in--accordance--with--applicable  
standards--and--the--provisions--of--the--Child-Care-Act--of--1969.

"License-applicant"--for--purposes--of--background--checks--means--the  
operator--or--persons--with--direct--responsibility--for--daily--operation--of  
the--facility--to--be--licensed. (Section 4-4 of the Child-Care-Act--of  
1969)

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"Licensee"--means--those--individuals--agencies--or--organizations--who  
hold--a--license--or--permit--issued--by--the--Department.

"Licensing-representative"--means--persons--authorized--by--the--Department  
under--the--Child-Care-Act--of--1969--to--examine--facilities--for--licensure.

"Permit"--means--a--one-time-only--document--issued--by--the--Department--for--a  
six-month--period--to--allow--the--individuals--agency--or--organization  
to--become--eligible--for--a--license.

"Persons-subject-to-background-checks"--means:

- the operator(s) of the child-care facility; and
- all current and conditional employees of the child-care facility;  
and
- any person who is used to replace or supplement staff; and
- any person who has access to children as defined in Section  
305.307 Definitions of 09 Ill. Adm. Code 305.305 Background Checks.

If the child-care facility operates in a family home, the license  
applicant(s) and all members of the household age 13 and over are  
subject to background checks as appropriate even if these members of  
the household are not usually present in the home during the hours the  
child-care facility is in operation.

(Source: Repealed at 22 Ill. Reg. 10323, effective  
MAY 26 1998)

Section 401.4 Application for License (Repealed)

- a) The application for license shall be completed by the officers of the  
governing body of the child-welfare agency or its authorized  
representative on forms prescribed and furnished by the Department.  
For the application to be considered complete, the following shall be  
attached to the application:
  - 1) articles of incorporation and by-laws indicating that the  
agency is a corporate status is in good standing with the Illinois  
Secretary of State;
  - 2) statement of purpose including child-care services and the types  
of child-care facilities to be operated and supervised by the  
agency;
  - 3) list of officers, board members and committees of the governing  
body;
  - 4) operating budget;
  - 5) range of services.



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- 6) staffing--plan--which---includes---job---descriptions---and---the qualifications--of--the--staff,--and
- 7) a--list--of--persons--subject--to--the--background--check--requirements--of--89--Ill--Adm--Code--385--Background--Checks--and--each--person's complete--signed--authorization--to--conduct--the--background--check;
- c) A--new--application--shall--be--filed:
- 1) when--an--application--for--license--has--been--withdrawn,--and--the agency--seeks--to--reapply;
  - 2) when--there--is--a--change--of--address--of--the--child--welfare--agency;
  - 3) when--there--is--a--change--of--name,--ownership--or--corporate--status--of--the--agency;--or
  - 4) not--sooner--than--12--months--after--the--Department--has--revoked--or refused--to--renew--a--license,--and--a--new--license--is--sought.
- d) A--new--application--may--be--submitted--at--any--time--when--a--license,--permit--or--application--has--been--voluntarily--surrendered--or--withdrawn--by--the applicant.

(Source: Repealed at 22 Ill. Reg. 10323, effective MAY 26 1998)

## Section 401.5 Application for Renewal of License (Repealed)

- a) Application--forms--for--license--renewal--shall--be--mailed--to--the--child welfare--agency--by--the--Department--six--months--prior--to--the--expiration date--of--the--license;
- b) The--completed--application--shall--be--submitted--to--the--Department--three months--before--the--date--of--the--expiration--of--the--child--welfare--agency's license;
- c) Upon--receipt--of--the--application--for--license--renewal,--the--Department shall--conduct--a--license--study--in--order--to--determine--that--the--child welfare--agency--continues--to--meet--licensing--standards.---The--licensing study--shall--be--in--writing--and--shall--be--reviewed--and--signed--by--the licensing--supervisor--and--the--licensing--representative--performing--the study;
- d) When--a--licensee--has--made--timely--and--sufficient--application--for--renewal of--a--license--or--a--new--license--with--reference--to--any--activity--of--a continuing--nature--and--the--Department--fails--to--render--a--decision--on--the application--for--renewal--of--the--license--prior--to--the--expiration--date--of the--license,--the--existing--license--shall--continue--in--full--force--and effect--for--up--to--thirty--(30)--days--until--the--final--Department--decision has--been--made.---The--Department--may--further--extend--the--period--in--which such--decision--must--be--made--in--individual--cases--for--up--to--30--days,--if good--cause--is--shown. "Good-cause"--includes--but--is--not--limited--to shortages--of--staff.

(Source: Repealed at 22 Ill. Reg. 10323, effective MAY 26 1998)

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## Section 401.6 Provisions Pertaining to License (Repealed)

- a) A--child--welfare--agency--license--is--valid--for--four--years--unless--revoked by--the--Department--or--voluntarily--surrendered--by--the--licensee;
- b) The--child--welfare--agency--shall--adhere--to--the--provisions--specified--on the--license;
- c) The--license--shall--not--be--transferred--or--transmitted--to--another--person or--other--legal--entity;
- d) The--license--shall--not--be--valid--for--an--address--other--than--the--address shown--on--the--license;
- e) The--current--license--shall--be--displayed--at--the--agency--headquarters--at all--times;
- f) There--shall--be--no--fee--or--charge--for--the--license.

(Source: Repealed at 22 Ill. Reg. 10323, effective MAY 26 1998)

## Section 401.7 Provisions Pertaining to Permit (Repealed)

- a) A--permit--shall--not--be--issued--prior--to--the--following:
- 1) completion--of--the--application--for--license--and--submission--to--the Department;
  - 2) employment--of--a--qualified--administrator--who--has--passed--the background--check--requirements--of--89--Ill--Adm--Code--385 Background--Checks--and--development--of--a--projected--staffing--plan indicating--the--time--table--by--which--qualified--staff--shall--be hired;
  - 3) established--procedures--and--forms--for--required--records--and reports;
  - 4) a--written--plan--which--indicates--that--requirements--for--a--license shall--be--met--within--the--permit--period,--and
  - 5) demonstration--of--financial--capability--through--a--projected--budget.
- b) A--permit--shall--not--be--issued--retroactively;
- c) The--permit--shall--not--be--renewable;
- d) The--permit--shall--not--be--transferred--or--transmitted--to--another--person or--other--legal--entity;
- e) The--permit--shall--not--be--valid--for--an--address--different--from--the address--shown--on--the--issued--permit;
- f) The--child--welfare--agency--shall--adhere--to--the--provisions--specified--on the--permit;
- g) A--current--permit--shall--be--on--display--at--the--agency--headquarters--at--all times;
- h) A--license--shall--be--issued--any--time--within--the--six--months--period covered--by--the--permit--provided--the--facility--achieves--and--maintains compliance--with--the--Department's--licensing--standards;
- i) There--shall--be--no--fee--or--charge--for--the--permit.

(Source: Repealed at 22 Ill. Reg. 10323, effective MAY 26 1998)

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Section 401.8 Incorporation (Repealed)

The child welfare agency or the responsible governing body shall be incorporated, and a copy of the articles of incorporation shall be filed with the Department at the time of application. A copy of any later amendment or a copy of a certificate of dissolution shall be filed as they occur.

(Source: Repealed at 22 Ill. Reg. 10329, effective MAY 26 1998)

Section 401.9 Composition and Responsibilities of the Governing Body (Repealed)

a) The governing body of a child welfare agency which is incorporated as not for profit shall be a Board of Directors composed of at least five persons. All board members shall be of reputable and responsible character. The governing body of a child welfare agency which is incorporated as for profit shall be the owner(s) who shall be of reputable and responsible character. The governing body shall be responsible to the Department for maintaining the standards as set forth in this part.

b) The governing body shall:  
1) establish written by-laws;  
2) assure that the child welfare agency operates at all times with an administrator who by official notice is made known to the Department;

3) hold at least two meetings annually;  
4) keep written records or minutes of all Board meetings reflecting official actions of the Board;

5) officially notify the Department of any major changes in the corporate structure or a change in the administrator of the child welfare agency, including articles of incorporation and bylaws, board membership, officers, or other changes in services provided by the agency;

6) establish written policies of the child welfare agency which shall be made available to all board members and employees including services to be provided by the agency, admissions, personnel policies, fiscal operations, care of children, and other policies as needed to direct the agency such as family visitation, community contacts with children and function of the agency administrator;

7) provide and maintain permanent offices accessible to the public and appropriate for the administrative program and supportive services. These offices shall be staffed during regular hours, shall be equipped with telephones, and shall have a permanent mailing address.

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- 8) maintain and keep all records and documents required by this part in the State of Illinois where they shall be readily available for licensing review;
- 9) assure fidelity bonding of fiscally responsible officers and employees against breach of fiduciary duty or the loss of monies securities or other property which the agency may sustain through any fraudulent or dishonest act or acts committed by an officer or employee acting alone or in collusion with others. These employees must be bonded regardless of whether the employee is elected or appointed or whether the employee is compensated by salary and
- 10) assure that all persons working directly with children are of reputable character.

(Source: Repealed at 22 Ill. Reg. 10329, effective MAY 26 1998)

Section 401.10 Finances (Repealed)

a) The agency shall maintain a degree of financial solvency that insures adequate care of the children for whom it has assumed responsibility. An agency is considered insolvent if its financial condition is such that the sum of its debts is greater than all of its property at a fair valuation, exclusive of property transferred or concealed or removed with intent to hinder delay or defraud its creditors. (This definition of "insolvency" is based on the definition contained in the United States Bankruptcy Code of 1978, 11 U.S.C. 101(26).)

b) The agency shall maintain fiscal records which shall include:  
1) current and projected operating budget; and  
2) financial records annually audited and certified by public accountants not affiliated with the agency.

c) The above records shall be maintained and kept in the State of Illinois where they shall be readily available for licensing review.

d) A certified copy of the agency's annual audit as performed by an independent auditor shall be submitted to authorized Department staff upon request.

(Source: Repealed MAY 26 1998 at 22 Ill. Reg. 10329, effective MAY 26 1998)

Section 401.11 The Administrator (Repealed)

- a) The administrator is that person designed by the board or owner(s) to carry out the day-to-day management of the agency and the established policies and procedures.
- b) An administrator shall have:  
1) a Master's Degree from an accredited school of social work and three years work experience in social work administration or



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## social-work-supervision; or

- 2) a Master's Degree in a human services field and three years work experience in human services administration or supervision; or
- 3) a Bachelor's Degree from an accredited 4 year college or university and four years of social work experience at least two years of which were in administration.
- c) All persons currently serving as administrator who have served in that capacity for a minimum of five (5) years immediately preceding the adoption and publication of this part shall be deemed qualified.
- d) If there is no social work supervisor the administrator shall, in addition, meet the qualifications for a social work supervisor as defined in Section 401.12.
- e) A person/persons shall be appointed to act in behalf of the administrator when the administrator is absent.
- f) If the administrator is to be on leave for more than one month or has left prior to a replacement, the Department shall be notified of the name of the person appointed as acting administrator. The acting administrator shall have the qualifications of the administrator.

(Source: Repealed at 22 Ill. Reg. 10320, effective MAY 26 1998)

## Section 401.12 Social Work Supervisors (Repealed)

- a) Social work supervisors shall have a Master's of Social Work degree from an accredited school of social work or an equivalent Master's Degree in a human services field, and two years of full-time supervised experience in a social work setting. At least one social work supervisor in the agency shall have two years of experience as a supervisor.
- b) If there is no full-time social work supervisor, the administrator shall, in addition, meet the qualifications for social work supervisor.

(Source: Repealed at 22 Ill. Reg. 10320, effective MAY 26 1998)

## Section 401.13 Child Welfare Workers (Repealed)

Child welfare workers perform administrative duties; supervise placement of children; evaluate goals for placement; prepare progress reports; make foster home studies; make licensing or permit studies; recommend discharge or placement of children and keep required records. Child welfare workers shall have at least a Bachelor's Degree and shall be under the supervision of a qualified social work supervisor.

(Source: Repealed at 22 Ill. Reg. 10329, effective MAY 26 1998)

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## Section 401.14 Professional Staff (Repealed)

Professional staff such as social workers, psychologists, psychiatrists, physicians, dentists, teachers, and consultants, whether full-time or part-time employees or temporary consultants, must meet the respective licensing and registration requirements of the State of Illinois.

(Source: Repealed at 22 Ill. Reg. 10328, effective MAY 26 1998)

## Section 401.15 Support Personnel (Repealed)

Clerical and secretarial services shall be provided to maintain correspondence records, bookkeeping and files in current and good order.

(Source: Repealed at 22 Ill. Reg. 10327, effective MAY 26 1998)

## Section 401.16 Volunteers (Repealed)

All volunteers shall meet the requirements for the tasks they perform; shall be trained for the tasks they perform; and shall be under the supervision of an assigned staff supervisor.

(Source: Repealed at 22 Ill. Reg. 10326, effective MAY 26 1998)

## Section 401.17 Background Checks (Repealed)

- a) The governing body shall ensure that all prospective and current employees submit to fingerprinting when required, authorize a background check, and otherwise meet the requirements of 89 Ill. Adm. Code 385-Background Checks.
- b) As a condition of issuance or renewal of a license by the Department, the child welfare agency shall require all persons subject to background checks to furnish information on any offenses (other than a minor traffic violation) for which they have been convicted in accordance with 89 Ill. Adm. Code 385.
- c) An employee may begin work while awaiting the results of the background check. Such employees shall not be left alone with children until the results of the initial background check have been received.

(Source: Repealed at 22 Ill. Reg. 10325, effective MAY 26 1998)

## Section 401.18 Legal Safeguards of Children Served (Repealed)



the agency shall have written verification of the legal status for all children accepted for care and service. There shall be written financial agreements between the child welfare agency, foster family, parents, and the legal guardian, court, institution, or another agency, as applicable and appropriate.

(Source: Repealed at 22 Ill. Reg. 1032, effective MAY 26 1998)

Section 401.19 Required Written Consents (Repealed)

- a) Written consents from legally responsible persons (parent, court, or other legal custodian or guardian) shall be obtained for certain acts of a child or performance of certain acts on his behalf, including but not limited to:
  - 1) health care and treatment, including medical, surgical, psychiatric, and dental;
  - 2) use of psychoactive drugs;
  - 3) religious instruction and/or church attendance in a different faith;
  - 4) work programs, induction into the armed services, driving a car and car ownership;
  - 5) extensive visits, trips or excursions;
  - 6) use of photographs for publicity or other purposes; and
  - 7) consent to marriage for children under age 18;
- b) All written consents shall be dated and limited to a specific period of time;
- c) Any written or verbal consent or authorization given by the individuals referenced in paragraph a) above or by others which conflicts with any of the requirements of 89 Ill. Adm. Code 401, is not valid.

(Source: Repealed at 22 Ill. Reg. 1032, effective MAY 26 1998)

Section 401.20 Agency Responsibility (Repealed)

- a) Each child served by the agency shall, at all times, have a designated child welfare worker assigned;
- b) Children in placement shall be seen by the assigned child welfare worker at least monthly for the first three months immediately following that placement and at least every three months thereafter;
- c) Each foster family shall receive in person supervision, consultation and support from the agency at least quarterly;
- d) Each licensed facility supervised by the child welfare agency shall be visited by a child welfare worker of the agency at least semi-annually to insure that the standards for licensing continue to be met;
- e) Major decisions regarding a child, such as accepting for placement subsequent placements, determination of or change in the service plan,

and discharge shall be reviewed by the social work supervisor prior to implementation and when needed. These major decisions shall result in a revised service agreement.

f) A comprehensive written admission study shall be completed within 30 days of admission and shall include:

- 1) child's name, verifications of date and place of birth, sex, race, legal status, including the legal status of the parents, present address, and religious affiliation;
- 2) names, birth dates, places of birth, marital status, addresses, telephone numbers, and religious affiliation of parents;
- 3) date and facility of placement and information concerning any special care or treatment provided to the child and his family; and
- 4) reasons for and the goal of placement;

g) The child and/or his parent or guardian shall be active participants to the extent possible in all decisions regarding the reasons for and the goal of placement and the service agreement.

(Source: Repealed at 22 Ill. Reg. 1032, effective MAY 26 1998)

Section 401.21 Interstate Placement of Children (Repealed)

An agency placing children outside the State of Illinois or receiving children from outside the State shall adhere to all rules and regulations of legal authorities pertaining to such placements and to the requirements of the Interstate Compact on the Placement of Children (Ill. Rev. Stat. 1979 Ch. 231 par. 2601 et seq.) where applicable.

(Source: Repealed at 22 Ill. Reg. 1032, effective MAY 26 1998)

Section 401.22 Health and Medical Services for Children (Repealed)

- a) The agency shall have written policies providing for medical, surgical, and dental care for children in placement. Such policies shall be formulated in consultation with physicians and dentists licensed to practice in the State of Illinois;
- b) Medical records on each child shall be maintained, including his medical history, parental or guardian consent for medical treatment, report of admission examination, all subsequent examinations, diagnoses, illnesses, immunizations, treatment, and discharge examination;
- c) A complete medical history shall include:
  - 1) current problems, medications, and handicaps; past health conditions, such as diseases, allergies, and surgeries; immunizations and dates; and report of most recent physical examinations; and

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- 2) all available information pertaining to the health history of the child's family;
- d) Each child shall be examined by a physician within thirty days prior to placement. However, in emergency placements the physical exam shall be scheduled within 5 days after placement and completed within 15 days after placement. In all cases, each child shall be screened for communicable diseases within 72 hours of placement.
- e) Children shall be examined annually or more frequently if findings and medical opinion indicate need. Diagnosed medical problems shall be treated promptly.
- f) Dental examinations shall be given at least annually. Diagnosed dental defects shall receive prompt treatment.
- g) Immunizations and tests shall be administered as required by the Illinois Department of Public Health regulations or as recommended by a physician.
- h) Immunizations must be waived or modified for a child who, for medical reasons, should not be subject to an immunization or when there is a waiver on religious grounds.
- i) If treatment for any physical impairment which requires continuing or follow-up medical attention is needed, the parent, guardian or other facility shall be notified in writing.

(Source: Repealed at 22 Ill. Reg. 10329, effective MAY 26 1998)

## Section 401.23 Records and Reports (Repealed)

- a) The agency shall maintain current records on each child receiving care or services on agency personnel (including volunteers), and on each facility operating under its supervision.
- b) Records for each child shall include an admission study, legal documents, and agreements for care as required, and case recording reflective of the on-going care and treatment of the child.
- c) At the time a child is discharged from care, records shall include the reason for discharge, the legal status of the child, to whom the child is released or discharged, and any recommendation for the child's future care.
- d) Records shall be maintained on all employees and, in addition, for each volunteer who has responsibility for the care and supervision of children and shall document compliance with Section 401.17 Background Check. The records shall contain all pertinent information relative to character, suitability, qualifications for the position, health, three references, and history of employment for the last five years. Personnel records shall include the date of employment and the date and reason(s) for separation. These records shall be available for licensing review.
- e) The child welfare agency shall maintain a separate file of the results of the background check required by Section 401.17 and 401.18. Adm-

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- Code 385.7--Background Checks.
- f) The child welfare agency shall maintain and submit reports on staff and volunteers to the Department on forms prescribed by the Department.
- 1) An individual report on each new employee (including owner operator or director) shall be filed with the Department, a copy of this report shall be kept at the agency.
- 2) All staff changes shall be reported to the Department within two business days after beginning employment. Such reports shall be accompanied by completed signed authorizations for background checks as required by 89 Ill. Adm. Code 385.7 Background Checks.
- 3) Copies of documentation of medical information, verification of educational achievement, and character references of employees shall be provided upon request by the Department.
- g) The child welfare agency shall maintain in its official records the major decisions and policies of the governing body or board.
- h) Financial records of operations shall be maintained as part of the permanent records of the agency and shall include a copy of the annual audit.
- i) The child welfare agency shall enter in the child's record and orally report immediately to the child's parent, guardian, and the Department any serious occurrences involving children if the agency is unable to contact the parent, guardian or Department immediately, it shall document this fact in the child's record. These occurrences include serious accident or injury requiring extensive medical care or hospitalization, death, arrest, alleged abuse or neglect, major fire or other emergency situations, movement of the child welfare agency which affects any child or children, personnel or the conduct of the agency. Oral reports shall be confirmed in writing within two working days of the occurrence.
- j) Records shall be kept in safe, locked places.
- k) Authorized Department licensing representatives or other Department representatives who have the Director's written authorization shall have access to the records and reports. All persons who have access to the records and reports shall respect their confidential nature.

(Source: Repealed at 22 Ill. Reg. 10329, effective MAY 26 1998)

## Section 401.24 Records Retention (Repealed)

Personnel, general, and financial records required of the child welfare agency shall be maintained for five years. Children's records shall be maintained for at least five years after the child's majority.

(Source: Repealed at 22 Ill. Reg. 10329, effective MAY 26 1998)



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(Source: Added at 22 Ill. Reg. 10321, effective MAY 26 1998)

Section 401.40 Definitions

"Adequate assets" means the child welfare agency has sufficient liquid assets in reserve or has other sources of income and a line of credit independent of Department contracts which would allow it to provide continuous agency operations and provide services such as staff, taxes, rent, utilities, and supplies for a period of at least 30 days.

"Administrative order of closure" means a severe administrative sanction, approved by the Director of the Department of Children and Family Services, to close immediately an unlicensed child care facility, a child care facility which is exempt from licensure, or a licensed child care facility prior to revocation of the facility's license. An administrative order of closure is issued only when continued operation of the child care facility jeopardizes the health, safety, morals, or welfare of children served by the facility.

"Age appropriate safety restraint" means, for a child under four years of age, a child restraint system (infant carrier, infant/toddler seat, or convertible safety seat) which meets the standards of the United States Department of Transportation designed to restrain, seat or position children. For a child four years of age or older, an age-appropriate safety restraint means a child restraint system or seat belt (lap belt or lap-shoulder belt combination).

"Authorized representative of the governing body" means the person authorized by formal action at a meeting of the Board of Directors to act on behalf of the child welfare agency and sign the license renewal application (but not the initial application for license), contracts, and other such documents, on behalf of the governing body. Such authorization shall be in writing on agency letterhead, submitted to the Department licensing worker, and signed by the president or chairperson of the Board of Directors and the secretary of the Board of Directors.

"Background check" means:

- a criminal history check via fingerprints of persons age 18 and over which are submitted to the Illinois State Police and the Federal Bureau of Investigation (FBI), for comparison to their criminal history records, as appropriate; and
- a check of the Child Abuse and Neglect Tracking System (CANTS) and other state child protection systems, as appropriate, to determine whether an individual is currently alleged or has been

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Section 401.25 Agency Supervised Foster Family Homes, Group Homes and Day Care and Night Care Homes (Repealed)

- a) Foster--family--homes--group--homes--and--day--care--and--night--care--homes operated--and--supervised--by--a--child--welfare--agency--shall--be--licensed according--to--the--standards--prescribed--and--published--by--the--Department for--licensing--such--homes;
- b) the--agency--shall--submit--an--application--for--a--license--for--each--child care--facility--operated--by--it--on--forms--provided--by--the--Department;
- c) Recommendation--for--the--licensure--of--family--homes--operated--by--a--child welfare--agency--may--be--made--to--the--Department--by--the--agency--and--in accordance--with--the--standards--prescribed--for--such--facilities;
- d) Upon--receipt--of--an--application--for--a--group--home--license--the Department's--licensing--staff--shall--conduct--a--license--study--and provided--the--group--home--is--in--compliance--with--group--home--license standards--recommend--licensure;
- e) the--agency--operating--any--child--care--facility--shall--be--responsible--for its--conduct--in--accordance--with--the--licensing--standards--prescribed--by the--Department;

(Source: Repealed at 22 Ill. Reg. 10320, effective MAY 26 1998)

Section 401.26 Severability of This Part (Repealed)

if--any--court--of--competent--jurisdiction--finds--that--any--rule--clause--phrase--or provision--of--this--part--is--unconstitutional--or--invalid--for--any--reason whatsoever--this--finding--shall--not--affect--the--validity--of--the--remaining portions--of--this--part;

(Source: Repealed at 22 Ill. Reg. 10320, effective MAY 26 1998)

SUBPART A: INTRODUCTION AND DEFINITIONS

Section 401.30 Purpose

- a) The purpose of this Part is to prescribe the standards for licensure as a child welfare agency and to describe how to apply for a child welfare agency license. This Part also prescribes the duties of a child welfare agency to monitor and supervise child care facilities under its supervisory authority.
- b) The licensing standards set forth in this Part are applicable to child welfare agencies as defined in the Child Care Act of 1969 (225 ILCS 10/2.08). Granting a license to a child welfare agency does not guarantee a contract with the State of Illinois or the Department of Children and Family Services.



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indicated as a perpetrator of child abuse or neglect; and  
a check of the Statewide Child Sex Offender Registry.

"Chief fiscal officer" means the staff position with primary responsibility for the receipt, distribution and accounting for all financial transactions of the agency.

"Child" means any person under 18 years of age. (Section 2.01 of the Child Care Act of 1969 [225 ILCS 10/2.01])

"Child care facility" means any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody, in any facility as defined in this Act, established and maintained for the care of children. "Child care facility" includes a relative who is licensed as a foster family home under Section 4 of the Child Care Act of 1969. [225 ILCS 10/2.05]

"Child welfare agency" means a public or private child care facility receiving any child or children for the purpose of placing or arranging for the placement of the child or children in foster family homes or other facilities for child care, apart from the custody of the child's or children's parents. The term "child welfare agency" includes all agencies established and maintained by a municipality or other political subdivision of the State of Illinois to protect, guard, train or care for children outside their own homes, but does not include any circuit court or duly appointed juvenile probation officer or youth counselor of the court, who receives and places children under an order of the court. [225 ILCS 10/2.08]

"Conditional license" means a nonrenewable license for a period not to exceed six months which may be granted to a child care facility when the facility has agreed to a corrective plan to amend identified deficiencies and bring the facility into reasonable compliance with all licensing standards. Conditional licenses may be issued with the approval of the Department only where no threat to the health, safety, morals or welfare of the children served exists. Any other license held by the facility shall be revoked when the conditional license is issued.

"Corrective plan" means a written plan approved by the Department's regional licensing administrator which identifies deficiencies in a child care facility's operations and which allows the facility a maximum of six months to correct the identified deficiencies and come into reasonable compliance with all applicable licensing standards.

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"Deemed status" means the Department has approved the programs of a child welfare agency as in compliance with the requirements of this Part because these programs:

have received full accreditation status from the Council on Accreditation of Services for Families and Children (1997 Standards); and

during the past four years, there have been no substantiated licensing complaints which affect the health, safety, morals, or welfare of children served by these accredited programs.

"Department" means the Illinois Department of Children and Family Services. [225 ILCS 10/2.02]

"Full license" means the agency is operating under a current child welfare agency license rather than a permit, a provisional license, a conditional license, or a license which has been revoked or which has expired after the agency failed to file a timely and sufficient application for license renewal.

"Governing body" means all members of the board of directors of a corporation.

"Guardian" means the guardian of the person of a minor. [225 ILCS 10/2.03]

"Immediate family member" means a person's spouse, son, daughter, mother, father, sibling, brother- or sister-in-law, or other legal dependent.

"Inadequate assets" means the child welfare agency has less than 30 days of operating expenses available to them in liquid assets as required by the definition of adequate assets in this Section.

"Initial application for license" means the first application for licensure as a child welfare agency submitted by the individual, corporation, or other legal entity.

"License" means a document issued by the Department of Children and Family Services which authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act of 1969.

"License applicant" means those individuals, corporations, or other legal entities who have applied for a license from the Department of Children and Family Services.

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Association, Vols. I-III, Summer 1993} or *Physician's Desk Reference* (Medical Economics Data Production Company, 49th Edition, 1995) or which are administered for any of these purposes. (Section 1-121.1 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-121.1])

"Refusal to issue license" means the formal decision of the Department to decline to issue a license to the holder of a permit.

"Refusal to renew a license" means the formal decision of the Department to decline to issue a succeeding license, although the licensee has submitted a timely and sufficient application for license renewal, to the holder of a child care facility license or permit.

"Replacement or supplemental staff" means any paid or unpaid individual who is used to perform essential staff duties as evidenced by being counted in the staff-child ratio or being allowed to be alone with children receiving care in a licensed child care facility outside the visual or auditory supervision of facility staff.

"Reputable character" means there is satisfactory evidence that the moral character of the applicant is trustworthy.

"Responsible" means trustworthy performance of expected duties in accordance with established professional standards, State and Federal law, and the rules of the Department of Children and Family Services.

"Revocation" means the termination of a full license or provisional license to operate a child care facility by a formal action of the Department. License revocations shall be conducted in accordance with Section 8 or 8.1 of the Child Care Act of 1969 [225 ILCS 10/8 and 8.1].

"Risk management plan" means a document developed in accordance with Appendix D of this Part that outlines the process for identifying and analyzing loss exposures, examining alternative risk control methods, and making and carrying out decisions that will minimize the adverse effects of accidental losses.

"timely and sufficient application for license renewal" means the child welfare agency submitted the application for renewal of the license at least 90 days before the expiration date, the application was complete, dated, and signed by an authorized party, and the materials required by Section 401.140 were attached to the application for license renewal. License renewal applications for foster family homes or day care homes under the supervision of the child welfare agency are considered timely if the application was returned to the agency within the time frames required by the respective licensing

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"Licensee" means those individuals, corporations or other legal entities who hold a license or permit issued by the Department of Children and Family Services.

"licensing worker" means persons authorized by the Department under the Child Care Act of 1969 to examine facilities for licensure.

"Minor traffic violation" means a traffic violation under the laws of the State of Illinois or any municipal authority therein or another state or municipal authority which is punishable solely as a petty offense. (See Section 6-601 of the Illinois Driver Licensing Law [625 ILCS 5/6-601].)

"New application for child welfare agency license" means a license is sought to operate a child welfare agency when:

the applicant has applied previously for a child welfare agency license and withdrew the license application before a decision was made on the application for license; or

the applicant had been licensed previously as a child welfare agency, but voluntarily surrendered the license; or

the applicant had been licensed previously as a child welfare agency, but the Department revoked or refused to renew the license.

"Permit" means a one-time only document issued by the Department of Children and Family Services to allow the license applicant to become eligible for an initial license. Permits may be for a maximum six month period, except that permits granted to foster family homes and day care homes are limited to a maximum of two months.

"petty offense" means any offense for which a sentence to a fine only is provided. (Section 5-1-17 of the Unified Code of Corrections [730 ILCS 5/5-1-17])

"Provisional license" means a license issued for a period not to exceed two years to allow a licensed child welfare agency to demonstrate the ability to operate a business in a responsible fashion. During the provisional license period, the Department may exercise more stringent oversight or place more stringent requirements on the child welfare agency.

"Psychotropic medication" means medication whose use for antipsychotic, antidepressant, antimanic, antianxiety, behavioral modification or behavioral management purposes is listed in the AMA Drug Evaluations (Drug Evaluation Subscription, American Medical



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standards 89 Ill. Adm. Code 402 (Licensing Standards for Foster Family Homes) or 89 Ill. Adm. Code 406 (Licensing Standards for Day Care Homes).

"Valid license" means a license which has not been revoked or expired, or which would have expired except that the child welfare agency submitted a timely and sufficient application for license renewal and the Department has not yet rendered a decision on the application, and the facility has not been issued an administrative order of closure.

"Voluntary surrender of license" means that, in writing, the licensee has offered and the Department has accepted the licensee's offer to give up a valid license of his, her or its own free will. The Department is not required to accept the offer of the licensee and, in the Department's sole discretion, may decline to accept the license.

(Source: Added at 22 Ill. Reg. 10320, effective MAY 20 1998)

## SUPPORT B: PERMITS AND LICENSES

## Section 401.100 Application for License

a) The initial application for license as a child welfare agency shall be completed by the officers of the governing body of the child welfare agency on forms prescribed and furnished by the Department.

b) For the initial application for a license to be complete, the following shall be attached to the application:

1) articles of incorporation and by-laws, indicating that the agency's corporate status is in good standing with the Illinois Secretary of State and, if a not-for-profit corporation under Section 501 of the Internal Revenue Code (26 USCA 501), a copy of the Internal Revenue Service ruling on the agency's exemption status from Federal income tax and registration with the Charitable Trust Bureau of the Attorney General's office (if applicable);

2) a mission statement or statement of purpose including services to be provided and the types of child care facilities to be operated and supervised by the agency, including a plan for recruiting foster family and adoptive homes, as required to fulfill the agency's mission or purpose;

3) a list of owners, officers, board members, principal shareholders owning more than 5% of the stock of the corporation and each person's attestation that he or she has not been convicted of a felony or indicated as a perpetrator of child abuse or child neglect, as defined in Appendix B of 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect). This includes any or all of the above persons who reside outside the State of Illinois.

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4) a listing of standing committees of the governing body;  
5) proposed operating budget for the first two years of operation;  
6) range of services to be provided within the first two years of operation; and

7) a comprehensive staffing plan which includes job descriptions and the qualifications of the staff for all child welfare programs to be provided by the agency. If the child welfare agency operates within a multi-service agency, those staff positions which perform no functions for the child welfare agency do not need to be included in the staffing plan. If the child welfare agency intends to operate branch offices, the address, phone number and staffing plan for each of the branch offices is to be included in the initial application (if known) or reported to the Department within 30 days after the location for a branch office is secured. In addition, the license applicant shall have the following items available for review when the licensing worker visits the agency headquarters.

1) A list of current employees of the child welfare agency and persons to whom the agency has made a commitment to hire; and  
A) certified transcripts of each employee's educational credentials (if obtained from a foreign school or university, the credentials must be translated into English and include a statement of equivalency in the United States educational system);

B) verification of prior work history, when the work history is required to qualify for the current position;

C) copy of current professional license or registration, if required. (See Appendix G for a list of professionals commonly used by a licensed child welfare agency who must be licensed or registered.); and

D) if the individual is subject to the background check requirements of 89 Ill. Adm. Code 385 (Background Checks) a copy of each employee's complete, signed authorization to conduct a background check.

2) The agency's written personnel policies, including written compensation policies and salary levels.

3) The agency's written service delivery policies.

4) The agency's risk management plan developed in accordance with Appendix D of this Part.

5) The agency's documentation of current public liability insurance as required by Section 401.220(g).

6) The agency's code of ethics which has been adopted by the governing body which must be at least as stringent as the Code of Ethics for Child Welfare Professionals (published by the Office of Communications, Department of Children and Family Services, 406 East Monroe, Station #65, Springfield, Illinois 62701, May 1996).

7) The agency's financial management policies.



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- supporting documentation to the Department;  
employment of an executive director who has passed the background check requirements of 89 Ill. Adm. Code 385 (Background Checks) and who meets the requirements of Section 401.300;  
development of a projected staffing plan indicating the time table by which qualified staff shall be hired;  
establishment of procedures and forms for required records and reports in Sections 401.260 and 401.270;  
submission of a written plan which indicates how requirements for a license shall be met within the permit period;  
submission of a projected budget for at least the next two years which has been approved by the governing body. Letters of commitment must be attached for any projected grant or contract;  
submission of a risk management plan as outlined in Appendix D; Minimum Requirements for a Risk Management Plan, of this Part; and  
documentation of current public liability insurance as required by Section 401.220(g).
- 2) A permit shall not be issued retroactively.
  - 3) The permit shall not be renewable.
  - 4) The permit shall not be transferred or transmitted to another legal entity.
  - 5) The permit shall not be valid for a name or address different from the name and address shown on the issued permit.
  - 6) The child welfare agency shall adhere to the provisions specified on the permit.
  - 7) A current permit shall be on display at the agency headquarters at all times while the agency is operating under a permit.
  - 8) A provisional license shall be issued any time within the six months period covered by the permit provided the child welfare agency achieves and maintains reasonable compliance with the Department's licensing standards.
  - 9) There shall be no fee or charge for the permit.

(Source: Added at 22 Ill. Reg. 10329, effective MAY 26 1988)

Section 401.120 Provisional Licenses

- a) The Department may restrict the operation of the child welfare agency by attaching provisions to the license, such as those identified in subsection (c) of this Section. Provisional licenses shall be issued for the first two years to applicants for initial license as a child welfare agency when the applicant successfully completes the six-month permit period and has achieved and maintained reasonable compliance with the standards in this Part. In addition, a provisional license may be issued when a former license holder seeks to reapply after the license was voluntarily surrendered or after the Department revoked or

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- d) If the corporate status or ownership of the child welfare agency changes, the new corporate entity must file an initial application for a child welfare agency license as the new corporation.
- e) A new application for a child welfare agency license shall be filed when:
  - 1) an application for license as a child welfare agency has been withdrawn before a decision was made on the application and the agency seeks to reapply; or
  - 2) the applicant had been licensed previously as a child welfare agency, but voluntarily surrendered the license, and any waiting period agreed to when the voluntary surrender was accepted has expired; or
  - 3) the applicant had been licensed as a child welfare agency, but the Department revoked or refused to renew the license and the requirements of subsection (f) of this Section have been fulfilled.
- f) A new application may be submitted at any time when a license, permit or application has been voluntarily surrendered or withdrawn by the applicant unless the applicant has signed an agreement with the Department not to reapply for a license for a specified period of time. Once an investigation of the facility has been commenced, the license may be voluntarily surrendered only with the signed, written agreement of the regional licensing administrator on the form prescribed in Appendix F.
- g) If the Department has revoked or refused to renew the license of a child welfare agency and the agency seeks to reapply for a license, it may do so if at least 12 months have passed since the effective date of the revocation or refusal to renew. If a new license is granted to the applicant, the Department shall issue a provisional license to the applicant for a period not to exceed two years. The denial of a reapplication for a license pursuant to this subsection must be supported by evidence that the prior revocation renders the applicant unqualified or incapable of satisfying the standards and rules promulgated by the Department pursuant to the Child Care Act of 1969, or maintaining a facility which adheres to such standards and rules. (225 ILCS 10/6(c))
- h) The applicant shall submit an original and one copy of the application for license and all required documentation.

(Source: Added at 22 Ill. Reg. 10329, effective MAY 26 1988)

Section 401.110 Provisions Pertaining to Permits

- a) A permit shall be issued before a provisional license is granted, but shall not be issued prior to the following:
  - 1) completion of the application for license and submission of the original and one copy of the application and all required

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refused to renew the former license.

- b) Good cause for issuing a provisional license to a former or current holder of a child welfare agency license is evidenced by, but not limited to:

- 1) an excessive number of indicated child abuse or neglect reports involving agency staff in their professional duties or foster family, relative, day care, and group homes supervised by the child welfare agency; or
  - 2) lack of financial responsibility as evidenced by maintaining inadequate assets or by late payment (more than ten days after the scheduled payment date) of foster parents, tax obligations, bills or other evidence of financial instability; or
  - 3) inadequate or missing records or reports, as required by this Part; or
  - 4) failure to supervise foster family, relative, day care, and group homes, as required by Department of Children and Family Services rules, 89 Ill. Adm. Code 301 (Placement and Visitation Services), 89 Ill. Adm. Code 402 (Licensing Standards for Foster Family Homes), 89 Ill. Adm. Code 403 (Licensing Standards for Group Homes), 89 Ill. Adm. Code 406 (Licensing Standards for Day Care Homes) and 89 Ill. Adm. Code 408 (Licensing Standards for Group Day Care Homes), as applicable;
  - 5) failure to promptly process foster parent licensing applications, provide required training of foster parents and adoptive parents, provide information to foster parents regarding policy and procedures applicable to foster parents and foster children or adoptive parents and adoptable children, or to recruit foster family and adoptive homes to care for the children served;
  - 6) failure to recommend foster family and day care home licenses for renewal before the expiration date of the license when the licensee has made a timely and sufficient application for license renewal;
  - 7) failure to submit an annual implementation plan pursuant to the Foster Parent Law [20 ILCS 505/7.2] and to implement the plan as submitted; or
  - 8) other good cause when supported by adequate documentation that the agency is failing to operate in the interest of its clients or the general public.
- c) The child welfare agency shall adhere to the provisions specified on the license which may include, but are not limited to:
- 1) establishing specific supervisor/child welfare staff ratios that the child welfare agency must maintain; or
  - 2) requiring at least six bi-monthly meetings of the Board of Directors and greater involvement from the Board of Directors in agency operations; or
  - 3) requiring oversight by a certified public auditor who provides periodic reports to the Department; or
  - 4) requiring additional training of staff around specific

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deficiencies identified in a corrective plan; or  
 5) requiring other supportive or corrective measures as deemed necessary in writing by the Department.

(Source: Added at 22 Ill. Reg. 10322, effective MAY 26 1993)

**Section 401.130 Provisions Pertaining to Licenses**

- a) A full child welfare agency license is valid for four years unless revoked by the Department or voluntarily surrendered by the licensee. Provisional licenses are valid for two years.
- b) A license shall not be transferred or transmitted to another legal entity.
- c) A license shall not be valid for a name or address other than the name and address shown on the license.
- d) The current license shall be displayed at the agency headquarters at all times.
- e) The licensee shall adhere to any and all provisions of the license.
- f) There shall be no fee or charge for the license.

(Source: Added at 22 Ill. Reg. 10322, effective MAY 26 1993)

**Section 401.140 Application for Renewal of License**

- a) Application forms for license renewal shall be mailed to the child welfare agency by the Department six months prior to the expiration date of the license. When the application for license renewal is submitted to the Department, the child welfare agency shall submit a complete listing of the names and addresses of all licensed and license-exempt child care facilities supervised by the child welfare agency and of any pending applications for license as a foster family or day care home which will be supervised by the child welfare agency. The original of the completed application, along with the listing of child care facilities supervised by the agency, and one copy of all materials shall be submitted to the Department no later than 90 days before the date of the expiration of the child welfare agency's license.
- c) When a licensee has made timely and sufficient application for renewal of a license and the Department fails to render a decision on the application for renewal of the license prior to the expiration date of the license, the existing license shall continue in full force and effect until the final Department decision has been made. [225 ILCS 10/5(d)]
- d) After receipt of the application for license renewal, the Department shall conduct a license study which shall consist of a comprehensive licensing compliance review. The study may include unannounced visits



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if conducted within normal business hours, in order to determine that the child welfare agency continues to meet licensing standards. The licensing study shall include an examination of the premises and records of the child welfare agency to determine the degree of compliance with these standards and shall include:

- 1) random surveys of parents or legal guardians who are consumers of the child welfare agency's services to assess the quality of care given and to determine if the child welfare agency is in compliance with the Foster Parent Law [20 ILCS 520];
  - 2) a review of a representative sample of child care facilities supervised by the child welfare agency, which may include site visits to these facilities;
  - 3) a review of unusual incident reports, child abuse/neglect reports, financial and payment records, and other agency performance indicators to evaluate the quality of care provided through the agency;
  - 4) interviews of child welfare agency employees, foster parents, biological parents, children receiving care through the licensed child welfare agency, and other clients that receive services from the child welfare agency; and
  - 5) a review of the records, staffing, and operations of any branch offices operated by the child welfare agency.
- e) The licensing study shall be in writing and shall be reviewed and signed by the licensing supervisor and the licensing worker performing the study. If the Department is satisfied that the facility continues to be in compliance with minimum standards which it prescribes and publishes, it shall renew the license to operate the facility. [225 ILCS 10/6] A copy of the licensing study will be made available to the license applicant upon payment of all copying costs.

(Source: Added at 22 Ill. Reg. 10323, effective MAY 26 1998)

## Section 401.150 Acceptance of Accreditation in Lieu of License Renewal Study

- a) When a program of the child welfare agency is fully accredited by the Council on Accreditation of Services for Families and Children Inc., 120 Wall Street, 11th Floor, New York, NY 10005 (1997 Standards) and there have been no substantiated licensing complaints which affect the health, safety, morals, or welfare of children served by that program for the last four years, that program of the child welfare agency is deemed to be in compliance with the program requirements of this Part. The license renewal study need not evaluate program elements for child welfare programs which are fully accredited by the Council on Accreditation of Services for Families and Children.
- b) The Department shall verify in writing with the Council on Accreditation of Services for Families and Children that the program's accreditation continues to be in good standing and shall conduct

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- c) annual monitoring visits to verify the continued compliance of the child welfare agency with the requirements of this Part. If a licensing complaint is substantiated against an accredited child welfare agency, the Department licensing worker shall notify in writing the Council on Accreditation of Services for Families and Children of the substantiated complaint. The child welfare agency shall receive a copy of this notice.
- d) If a substantiated licensing complaint may affect the health, safety, morals, or welfare of the children served by the child welfare program, the program shall be removed from "deemed status" and a full license study conducted.
- e) Nothing in this Section is intended to preclude a complete licensing study of programs operated by the child welfare agency which have not been accredited by the Council on Accreditation of Services for Families and Children.

(Source: Added at 22 Ill. Reg. 10323, effective MAY 26 1998)

## Section 401.160 Voluntary Surrender of License

- a) At any time, a licensee may offer to voluntarily surrender a valid license. The licensee must verify whether:
  - 1) the Department is investigating the child welfare agency for any licensing complaint or report of suspected abuse or neglect involving the agency;
  - 2) litigation is pending between the child welfare agency and the Department; or
  - 3) the child welfare agency suspects that it or facilities supervised by it are under investigation by any state agency of any state, their respective inspectors general, or any local, State or federal law enforcement agency.
- b) The child welfare agency shall attach to the offer of voluntary surrender a complete listing of the names and addresses of all licensed child care facilities supervised by the agency, of any pending license applications which have not yet been determined by the agency, and of any license exempt day care homes, relative care homes, independent living facilities, or other programs operated by the child welfare agency.
- c) Before accepting a voluntary surrender of license, the regional licensing administrator shall review the listing of the names and addresses of the facilities and programs supervised by the child welfare agency to determine whether it is complete and correct. In addition, the regional licensing administrator shall determine whether:
  - 1) the Department is investigating the child welfare agency for any licensing complaint or report of suspected abuse or neglect involving the agency;



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- 2) litigation is pending between the child welfare agency and the Department; and
- 3) the Department has been notified by another state agency, their respective inspectors general, or any local, State or federal law enforcement agency that the child welfare agency is under investigation.

d) The Department may discharge its obligation to determine whether an investigation is pending and whether the Department has received notice of an investigation by the DCFS-Office of the Inspector General or any local, State or federal law enforcement agency, by examining local licensing records, reviewing the voluntary offer of surrender signed by the child welfare agency, checking with the Central Office of Licensing, the State Central Register, the DCFS-Office of Inspector General, the Office of Legal Services, the Division of Purchase of Service Monitoring, and the Office of Internal Audits.

e) If the licensee has verified and the Department has determined that the child welfare agency is not under investigation and not engaged in litigation with the Department, a licensing administrator may, but is not required to, accept the offered voluntary surrender of the licensee. Such voluntary surrenders must be executed on the form prescribed in Appendix E of this Part.

f) If the licensee has verified and the Department has determined that the child welfare agency is under investigation or is engaged in litigation against the Department, only a DCFS licensing administrator may, but is not required to, accept the offered voluntary surrender of the licensee. Such voluntary surrenders must be executed on the form prescribed in Appendix F of this Part.

g) If, at any time after the acceptance of a voluntary surrender of a licensee, the Department discovers that the child welfare agency knew or should have known that it was under investigation at the time it offered to surrender its license and failed to disclose the information to the Department, the Department at its option may set aside its acceptance of the surrender and proceed to take appropriate action against the licensee and the licensee, including, but not limited to, the revocation of the license or refusal to renew the license.

(Source: Added MAY 26 1988 22 Ill. Reg. 10320, effective

## SUBPART C: ADMINISTRATION AND FINANCIAL MANAGEMENT

## Section 401.200 Incorporation

The child welfare agency shall be incorporated, either for profit or not for profit. The Board of Directors of the corporation shall consist of at least five members, at least one of whom shall be an Illinois resident. A copy of the certificate and articles of incorporation shall be filed with the

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Department at the time of application. A copy of any later amendment to the articles of incorporation or a copy of a certificate of dissolution shall be filed with the Department no later than 30 days after the amendment or dissolution occurs. If the child welfare agency which claims tax exemption under Section 501 of the Internal Revenue Code (26 USCA 501) is incorporated as a not-for-profit agency, the agency also must submit proof of the Internal Revenue Service ruling on its tax exempt status and proof whether it has registered as a charitable organization with the Illinois Attorney General. The child welfare agency shall notify the Department in writing of any change in its not-for-profit or charitable organization status within 30 days after notice from the Internal Revenue Service or Illinois Attorney General, respectively.

(Source: Added MAY 26 1988 22 Ill. Reg. 10320, effective

## Section 401.210 Composition and Responsibilities of the Governing Body

a) The governing body of a child welfare agency shall be all the members of the Board of Directors of the corporation.

b) Each member of the governing body of the child welfare agency and principal shareholders (owning 5% or more of the corporate stock) shall be of reputable and responsible character who shall certify that they have never been convicted of a felony or indicated as a perpetrator in a child abuse or neglect report, as defined in Appendix B of 89 Ill. Adm. Code 300 (Reports of Child Abuse and Neglect).

c) The governing body may create an executive committee or a child welfare committee that has been delegated limited decisionmaking authority. The executive committee may act on behalf of the governing body in emergency matters.

d) The governing body shall:

- 1) establish written by-laws which govern the major operations of the agency and which outline the duties of the officers of the board of directors and committees to be established by the board of directors;
- 2) set long range goals for the agency;
- 3) if incorporated as a not-for-profit corporation, adopt a conflict of interest policy which requires, at a minimum:

- A) that no member of the board of directors may derive or appear to derive any personal profit or gain, directly or indirectly, by reason of his or her membership on the board of directors or because of services provided to the board;
- B) that each board member must disclose to the board any personal interest which he or she may have in any current or potential matter before the board and refrain from participating in any decision on such matters;
- C) that no member of the executive director's or the chief financial officer's immediate family may serve on the board

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- Illinois Attorney General;  
addition of any principal shareholder owning at least 5% of the stock of the corporation; or  
C) changes in the governing body or its officers;  
D) establish written policies of the child welfare agency which shall be made available to all board members, employees, and agency clientele, including services to be provided by the agency, admissions, care of children, and other policies as needed to direct the agency, such as family visitation and community contacts with children;  
11) provide and maintain permanent offices accessible to the public and appropriate for the administrative program and supportive services. These offices, including all branch offices, shall be staffed during the business hours established by the agency. shall be equipped with telephones, and shall have a permanent mailing address;  
12) maintain and keep all records and documents required by this Part in the State of Illinois where they shall be readily available for review by authorized persons;  
13) insure fidelity bonding of fiscally responsible officers and employees against breach of fiduciary duty or the loss of monies, securities, or other property which the agency may sustain through any fraudulent or dishonest act committed by an officer or employee acting alone or in collusion with others. These officers or employees must be bonded regardless of whether elected or appointed or whether compensated by salary;  
14) insure that the child welfare agency maintains adequate assets, as defined in Section 401.40, for responsible fiscal operation of the agency; and  
15) insure that all persons working directly with children are of reputable and responsible character, as verified by their employment history of at least the past three years, the status of any professional license they hold, and completion of the background checks required by 89 Ill. Adm. Code 385 (Background Checks).  
e) Child welfare agencies fully licensed as of July 1, 1998 have until July 1, 1999 to attain compliance with the requirements of this Section.  
(Source: Adm. Code 385 22 Ill. Reg. 10320, effective May 26, 1998)

Section 401.220 Organization and Administration

- a) The members of the governing body are responsible for maintaining the standards set forth in this Part. The governing body may delegate responsibility for day-to-day compliance with these standards to the agency executive director.

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- of directors for the child welfare agency and no member of any board member's immediate family may serve as executive director, the chief financial officer, or an independent contractor of the agency;  
4) if incorporated as a for-profit corporation, adopt a code of conduct for the board;  
5) insure that the child welfare agency operates at all times with a qualified, full-time executive director who, by official written notice, is made known to the Department. The governing body shall:  
A) approve a written job description for the agency executive director which delineates the executive director's responsibilities and authority and the governing body's expectations of the agency executive director;  
B) review and authorize all compensation for the agency executive director, including salary, allowances, memberships or other benefits;  
C) evaluate the agency executive director in writing at least annually;  
6) insure that an adequate process is in place for recruiting, hiring, and maintaining qualified child welfare supervisors and other staff required by this Part;  
7) hold at least quarterly meetings, unless the agency holds a provisional license, thus requiring a minimum of bi-monthly meetings of the board of directors. Unless specifically prohibited by the articles of incorporation or bylaws, directors or nondirector committee members may participate in and act at any meeting of such board or committee through the use of a conference telephone or other communications equipment by means of which all persons participating in the meeting can communicate with each other. Participation in such meeting shall constitute attendance and presence in person at the meeting of the person or persons so participating [805 ILCS 105/108.151];  
8) keep written records or minutes of all board meetings reflecting official actions of the board which shall contain, at a minimum, the date of each board meeting, the persons who were in attendance, the issues discussed in the meeting, any committee reports made to the board, the decisions made and actions taken. Such minutes shall be available for review by the Department's licensing worker, upon request;  
9) officially notify the Department in writing within 30 days after a change in the executive director or chief financial officer of the child welfare agency or of any major changes in the corporate structure, including, but not limited to:  
A) changes in the articles of incorporation or by-laws;  
B) changes in the not-for-profit status or tax exempt status as determined by the Internal Revenue Service (if applicable) or its charitable organization status as determined by the



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- b) The Office of Legal Services, Department of Children and Family Services, 100 W. Randolph, Chicago, Illinois 60601 shall be notified in writing within ten business days after receipt of any notice of legal action which may affect the child welfare operations of the agency. The notice shall include a copy of all complaints, notices, demands, orders and other relevant materials received by the agency. The Office of Legal Services shall forward a copy of all materials to the Central Office of Licensing.
- c) A complete, current set of licensing standards for child welfare agencies and all types of child care facilities supervised by the child welfare agency shall be available at all times in an area that is accessible to agency employees.
- d) The executive director and child welfare supervisors and staff shall have a working knowledge of the Child Care Act of 1969 [225 ILCS 10], the Abused and Neglected Child Reporting Act [325 ILCS 5], the Children and Family Services Act [20 ILCS 505], the Juvenile Court Act of 1987 [705 ILCS 405], the Adoption Act [750 ILCS 50], and the Foster Parent Law [20 ILCS 520].
- e) Employees of a child welfare agency are mandated to report suspected child abuse or neglect directly to the State Central Register and are required to acknowledge their status as mandated reporters by signing a form prescribed by the Department when they begin their employment. Such reports shall be made immediately to the State Central Register as required by the Abused and Neglected Child Reporting Act. The telephone number for reporting is 800-252-2873.
- f) The child welfare agency shall develop a risk management plan, as described in Appendix D of this Part, that identifies potential financial and operational risks, specifies ways to reduce or eliminate the risks, and establishes procedures to be followed in an emergency or crisis.
- g) The child welfare agency shall carry public liability insurance in the single limit minimum amount of \$300,000 per occurrence.

(Source: Added at 22 Ill. Reg. 10329, effective MAY 26 1998)

## Section 401.230 Finances

- a) The agency shall maintain a degree of financial solvency that insures adequate care of the children for whom it has assumed responsibility. An agency is considered insolvent if its financial condition is such that the sum of its debts is greater than all of its property, at a fair valuation, exclusive of property transferred, concealed or removed with intent to hinder, delay or defraud its creditors. (This definition of "insolvency" is based on the definition contained in the United States Bankruptcy Code of 1978, 11 U.S.C. 101(26).)
- b) The agency shall designate a chief fiscal officer who is responsible for the management of financial operations and the development of an

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- annual operating budget. The board shall review and vote whether to accept, modify, or reject the proposed annual operating budget prior to the beginning of the agency's fiscal year. A copy of the approved annual operating budget shall be appended to the minutes of the meeting during which the budget was approved.
- c) At least once per quarter, a report shall be submitted to the Board of Directors comparing budgeted revenues and expenses with actual revenues and expenses to the board of directors for their review and acceptance, request for modification, or rejection as insufficient. The agency shall maintain fiscal records which shall include:
- 1) current and projected operating budget;
  - 2) quarterly analysis of projected versus actual revenues and expenses;
  - 3) records of a corrective plan to reduce the agency's deficit, if any, and progress toward complying with that plan; and
  - 4) financial records annually audited and certified by public accountants not otherwise affiliated with the agency.
- e) The above records shall be maintained and kept in the State of Illinois where they shall be readily available for review by authorized representatives of the Department. If the agency contracts with an outside accounting service, the agency must include in its contract the required availability of fiscal records to the Department.
- f) A certified copy of the agency's annual audit as performed by an independent auditor shall be submitted to authorized Department staff upon request.
- g) The agency shall submit the original financial analysis required by Appendix C of this Part to the authorized licensing worker and a copy to the Central Office of Licensing. The financial analysis shall be submitted to the Department within 180 days after the end of the agency's fiscal year.

(Source: Added at 22 Ill. Reg. 10329, effective MAY 26 1998)

## Section 401.240 Background Checks

The agency shall have appropriate personnel procedures in place to insure that all persons subject to the background checks required by 89 Ill. Adm. Code 385 (Background Checks) authorize such checks and submit to fingerprinting (when required). The agency shall insure that only designated personnel review the background check information and make decisions about the suitability of the individual for licensure or employment. All background check information shall be maintained separately in a confidential file, apart from the employee's personnel records, which may be accessed only by authorized child welfare agency and Department staff.

(Source: Added at 22 Ill. Reg. 10329, effective \_\_\_\_\_)



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governing body or its designee shall report to the Department licensing worker any work or service related unusual incident which results in the death, accident or injury resulting in hospitalization, or alleged commission of a felony involving any child welfare agency employee, foster parent, day care provider, or relative caregiver. A verbal report shall be made within 24 hours after the occurrence and shall be confirmed in writing within two business days after the occurrence.

(Source: Added at 22 Ill. Reg. 10320, effective MAY 26 1993)

Section 401.260 Required Record Keeping

- a) The child welfare agency shall maintain current records which shall be available for inspection by authorized persons from the Department and which shall include:
  - 1) Records of board membership and minutes of board meetings, as required by Section 401.210;
  - 2) financial records, as required by Section 401.230;
  - 3) personnel records, as required by Section 401.370;
  - 4) children's case records, as required by Section 401.420; and
  - 5) licensing records for foster family and day care homes supervised by the agency, as required by Section 401.460.
- b) Records shall be kept in safe, locked places within the State of Illinois. Access to such records shall be limited to authorized persons only.
- c) Department licensing workers shall have access to all records and reports pertaining to day care, foster care, relative care, adoption, independent living and residential care programs for minors operated by or supervised by the child welfare agency, even if the Department is not legally responsible for the children involved in those programs. All persons who have access to the records and reports shall respect their confidential nature.

(Source: Added at 22 Ill. Reg. 10320, effective MAY 26 1993)

Section 401.270 Records Retention

- a) General and financial records required of the child welfare agency shall be maintained for at least five years.
- b) Personnel records shall be retained for at least five years after termination of the person's employment.
- c) Licensing records shall be maintained for at least five years after termination of the foster family or day care home license.
- d) If any litigation, claim, financial management review, or audit is started before the expiration of the five-year period, the records

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Section 401.250 Required Reporting to the Department

- a) Staff and Volunteers  
The child welfare agency shall maintain and submit reports on staff and volunteers to the Department on forms prescribed by the Department:
  - 1) An individual report on each new employee or member of the governing body (including the owner, operator, principal shareholder owning at least 5% of the stock of the corporation or director) shall be filed with the Department within 30 days after the employment of the new employee or appointment of a new member of the governing body. A copy of this report shall be kept at the agency.
  - 2) Copies of documentation of verification of educational achievement and documentation of prior work history (when required to qualify for the current position).
- b) License Status of Child Care Facilities Supervised by the Child Welfare Agency  
The child welfare agency shall report in writing to the Department licensing office when the license status changes for a foster family home or day care home supervised by the agency. Such reports shall be received within five days after the last day of each month for all license status changes in the month. Such changes in license status may include, but are not limited to:
  - 1) failure or refusal to renew the license;
  - 2) revocation or voluntary surrender of the license;
  - 3) change in the status of licensees (death, divorce or separation of a husband and wife, change in not-for-profit status);
  - 4) change of address of the licensee;
  - 5) change in license capacity;
  - 6) transfer of license supervision to another supervising child welfare agency; or
  - 7) foster or adoptive family moves out-of-state.
- c) Unusual Incident Reports
  - 1) Involving Children  
The governing body or its designee shall orally report any unusual incidents involving children at the earliest reasonable time, but no later than the next business day after the incident, to the child's parent or guardian and the Department licensing worker. If the agency is unable to contact the parent or guardian and the Department immediately, it shall document this fact in the child's record. Unusual incidents include accident or injury requiring hospitalization, death, arrest, or other emergency situations. Oral reports shall be confirmed in writing within two business days after the occurrence.
  - 2) Involving Employees, Foster Parents, or Relative Caregivers  
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shall be retained for at least three years after all litigation, claims or audit findings involving the records have been resolved and final action taken. (45 CFR 74.53)

- e) Child case records shall be maintained for five years after the child attains the age of 21. At least five years after the child attains the age of 21, the record may be purged so that only family, medical, and biographical information is retained. The family, medical, and biographical information shall be maintained for at least 15 years after the child attains the age of 21, unless the child has been adopted. If the child has been adopted, the family, medical, and biographical information on the child shall be retained for at least 99 years after the child attains the age of 21.
- f) When an agency license is revoked, the Department refuses to renew the license, or for any other reason the agency ceases operations, the child welfare agency shall provide the Department with the original or a complete copy of all child case records and licensing records for the children and families it has served and for the foster family and day care homes which had been under its supervision.

(Source: Added at 22 Ill. Reg. 10320, effective MAY 26 1998)

## SUBPART D: PERSONNEL REQUIREMENTS

## Section 401.300 The Executive Director

- a) The child welfare agency shall hire an executive director who shall be a full-time employee designated by the governing body to carry out the day-to-day management of the child welfare agency and the policies and procedures established by the governing body. The requirements of this Section apply to the person who reports to the board about the day to day management of the agency, regardless of the title used to describe the position within the agency. When the child welfare agency operates within a larger, multi-service agency, the executive director responsible for the child welfare agency need not be the chief executive officer for the multi-service agency.
- b) The executive director shall have:

- 1) a Master's of Social Work degree from an accredited school of social work and three years' work experience in social work administration; or
- 2) a Master's degree in a human services field from an accredited school and five years work experience in human services administration; or
- 3) a Master's degree in Business Administration or Health Administration and five years experience in administration. Such degrees are acceptable only if the executive director never functions as the child welfare supervisor and the child welfare supervisor has a Master's of Social Work degree from an

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accredited school or social work or a Master's degree in a human services field from an accredited school.

- c) If the executive director also serves as the child welfare supervisor, the executive director also must meet the qualifications in Section 401.310 for the child welfare supervisor.
- d) All persons currently serving as executive director who were qualified as the administrator under former Section 401.11 of this Part (The Administrator) and who have served in that capacity for a minimum of five years immediately preceding July 1, 1998 shall continue to be deemed qualified for their positions as executive director for the child welfare agency where they are employed as of July 1, 1998.
- e) A qualified supervisor or manager shall be appointed to act on behalf of the executive director when the executive director is absent and cannot be reached in the event of an emergency.
- f) If the executive director is to be on leave for more than one month or has left his or her position prior to the hiring of a replacement, the Department shall be notified within five business days of the name of the person appointed as acting executive director. The acting executive director shall have the qualifications required of an executive director as specified in this Section.

(Source: Added at 22 Ill. Reg. 10320, effective MAY 26 1998)

## Section 401.310 Child Welfare Supervisors

Child welfare supervisors shall have a Master's of Social Work degree from an accredited school of social work or an equivalent Master's degree in a human services field from an accredited school and two years of full-time supervised experience in a social work setting. (See Section 401. Appendix G for the list of degrees which are accepted as human service degrees.) Child welfare supervisors who were employed as a child welfare supervisor as of July 1, 1997, who have a Master's degree and child welfare experience equivalent to the requirements of this Section, continue to be qualified as a child welfare supervisor for the child welfare agency where they are employed as of July 1, 1998.

(Source: Added at 22 Ill. Reg. 10320, effective MAY 26 1998)

## Section 401.320 Child Welfare Workers

Child welfare workers perform administrative duties, supervise placement of children, evaluate goals for placement, prepare progress reports, provide services to family members, arrange and supervise visits between children in placement and their family members and siblings, recommend discharge or placement of children, and keep required records. Child welfare workers shall have at least a Bachelor's degree from an accredited school and shall be under



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Section 401.360 Use of Volunteer Services

- a) Volunteers may be used in any position for which they are qualified in child care facilities supervised by the child welfare agency. Volunteers may not be used within the child welfare agency to fill the positions of executive director, child welfare supervisor, child welfare worker, or licensing worker. If volunteers are used as replacement or supplemental staff, as defined in Section 401.40 (Definitions), as support personnel or in other positions not specifically prohibited by this Section, the volunteer shall comply with the background check requirements of 89 Ill. Adm. Code 385 (Background Checks), and becomes mandated to report suspected child abuse or neglect upon acceptance of the volunteer position.
- b) Volunteers used to transport children must comply with the requirements of Section 401.450 (Transportation).
- c) Records shall be maintained on all volunteers who are used as replacement or supplemental staff. Such records shall contain the volunteer's name, address, phone number, and verification of the volunteer's qualifications for the assigned duties. In addition, any acknowledgments or certification required to verify compliance with the requirements of this Part shall be included in the volunteer file.
- (Source: Added at 22 Ill. Reg. effective MAY 26 1998 10322)

Section 401.370 Non-Discrimination Against Employees Who Report Suspected Licensing Violations

- No employer shall discharge, demote, or suspend, or threaten to discharge, demote or suspend, or in any manner discriminate against any employee who:
- a) makes any good faith oral or written complaint of any employer's violation of any licensing or other laws which may result in closure of the facility pursuant to Section 11.2 of the Child Care Act of 1969 [225 ILCS 10/11.2]; or
- b) institutes or causes to be instituted against any employer any proceeding concerning the violation of any licensing or other laws, including a proceeding to revoke or refuse to renew a license; or
- c) is or will be a witness or testify in any proceeding concerning the violation of any licensing or other laws, including a proceeding to revoke or refuse to renew a license; or
- d) refuses to perform work in violation of a licensing regulation or other law or regulation after notifying the employer of the violation. [225 ILCS 10/7.2]
- (Source: Added at 22 Ill. Reg. effective MAY 26 1998 10322)

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the supervision of a qualified child welfare supervisor.

(Source: Added at 22 Ill. Reg. effective MAY 26 1998 10322)

Section 401.330 Licensing Staff

Child welfare agencies may have staff who are trained and authorized to perform the licensing function as part of their duties as a child welfare worker or may designate licensing as a separate function as long as the staff meet the minimum qualifications to serve as a child welfare worker. Regardless of whether licensing is performed by child welfare workers or by separate licensing workers, each staff member who studies foster family homes, adoptive homes, or day care homes must meet the requirements for a child welfare worker in Section 401.320 and must be tested by the Department and determined to be qualified to examine each type of facility for licensure before performing any licensing duties. Evidence of successful completion of the licensing examination shall be maintained in the employee's personnel file.

(Source: Added at 22 Ill. Reg. effective MAY 26 1998 10322)

Section 401.340 Professional Staff

Professional staff such as social workers, clinical social workers, psychologists, psychiatrists, physicians, dentists, teachers, occupational therapists, physical therapists, marriage and family therapists, and professional counselors must provide, prior to rendering service to the agency as an employee or independent contractor, a copy of their currently valid license for the child welfare agency's records. This applies to all full time, part time, and contractual staff or consultants which provide services to children through the auspices of the child welfare agency. The child welfare agency shall verify with the Department of Professional Regulation or other licensing entity that the license is a valid professional license. Appendix H of this Part lists the professionals who are required to be licensed or registered and the statutory citation for that requirement.

(Source: Added at 22 Ill. Reg. effective MAY 26 1998 10322)

Section 401.350 Support Personnel

Clerical and secretarial services shall be provided to maintain correspondence, records, bookkeeping and files in current and good order. Janitorial and maintenance staff or services shall be provided to keep the building and grounds in proper order.

(Source: Added at 22 Ill. Reg. effective MAY 26 1998 10322)



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**Section 401.380 Personnel Records**

a) The child welfare agency shall maintain personnel records on all employees of the agency, whether full-time or part-time. These records shall contain:

- 1) a copy of the form required to be sent to the Department of Children and Family Services which contains information on persons employed by a child welfare agency;
  - 2) a certified transcript of the employee's educational achievements, when required for the individual's position. Foreign credentials require additional documentation providing a certified translation and statement of the equivalency in the U.S. educational system;
  - 3) verification the employee holds a valid professional license (if required by law);
  - 4) acknowledgment on a form prescribed by the Department of the employee's status as a mandated reporter of child abuse and neglect by virtue of his or her employment;
  - 5) the employee's work history and residence for the past three years. When the employee's work experience is considered part of the individual's qualifications for his or her current position, the child welfare agency must verify the employee's stated work history;
  - 6) if the employee or his or her supervisor examines foster family homes or day care homes for licensure, verification that the employee and supervisor has passed the licensing examination for all types of facilities the employee examines or supervises;
  - 7) if the employee transports children, proof of insurance and a valid driver's license and the certification required by Section 401.450(c); and
  - 8) a copy of each employee's annual evaluation and any progressive discipline provided to an employee. Such records of progressive discipline shall be maintained in accordance with the personnel policies approved by the governing body.
- b) Authorizations for and the results of a background check, as required by 89 Ill. Adm. Code 385 (Background Checks), shall be maintained in a separate and confidential file which may be accessed only by authorized child welfare agency and Department staff.

(Source: Added at 22 Ill. Reg. 10323, effective MAY 26 1993)

## SUBPART E: SERVICES TO CHILDREN

**Section 401.400 Legal Safeguards of Children Served**

The agency shall have written verification of the legal status for all children accepted for care and service. There shall be written financial agreements

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between the child welfare agency, foster family parents, and the legal guardian, court, or another agency, as applicable and appropriate for the care of the child and the management of any monies or benefits received on the child's behalf.

(Source: Added MAY 26 1993 at 22 Ill. Reg. 10323, effective MAY 26 1993)

**Section 401.410 Required Written Consents**

- a) The agency shall secure specific, dated, time-limited, written consents from the child's parent, guardian, or other legal custodian before approving certain actions which may include but are not limited to:
- 1) health care and treatment, including medical, surgical, psychiatric, and dental care and treatment, except under emergency circumstances when such consents are not required by the Consent by Minors to Medical Procedures Act (410 ILCS 210);
  - 2) administration of psychotropic medications;
  - 3) religious instruction and/or church attendance in a different faith;
  - 4) work programs, enlistment in the armed services, and car ownership;
  - 5) visits, trips, or excursions which last more than 72 hours or which involve out-of-state travel;
  - 6) use of photographs for publicity or other purposes;
  - 7) consent to marriage for children under age 18;
  - 8) participation in research projects, especially those which involve wards of the State of Illinois; and
  - 9) consent to attend school in another district.
- b) Any written or verbal consent or authorization which conflicts with the requirements of this Part is invalid.

(Source: Added MAY 26 1993 at 22 Ill. Reg. 10323, effective MAY 26 1993)

**Section 401.420 Agency Responsibility**

- a) Each child served by the agency shall, at all times, have a designated child welfare worker assigned or, for a period of time not to exceed 30 days, the case may be assigned to a child welfare supervisor.
- b) Children in placement shall be seen by the child welfare worker assigned to the case at least once every month. Foster parents shall be seen by the child welfare worker at least monthly.
- c) Each licensed facility supervised by the child welfare agency shall be visited by the licensing worker of the agency at least semi-annually to insure that the standards for licensing continue to be met.
- d) Critical decisions regarding a child, such as accepting for placement,

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(Source: Added at 22 Ill. Reg. 10320, effective  
MAY 26 1988)

**Section 401.440 Health and Medical Services for Children**

- a) The agency shall have written policies providing for medical, surgical, and dental care for children in placement. Such policies shall be formulated in consultation with physicians and dentists licensed to practice in the State of Illinois.
- b) Medical records on each child shall be maintained, including medical history, parental or guardian consent for medical treatment, report of admission examination, all subsequent examinations, diagnoses, illnesses, immunizations, treatment, and discharge examination.
- c) A complete medical history shall include:
  - 1) current problems, medications and handicaps, past health conditions such as diseases, allergies and surgeries, immunizations and dates, and report of most recent physical examinations; and
  - 2) all available information pertaining to the health history of the child's family.
- d) Children shall be examined annually or more frequently if findings and medical opinion indicate a need. Diagnosed medical problems shall be treated promptly.
- e) Dental examinations shall be given at least annually. Diagnosed dental defects shall receive prompt treatment.
- f) Immunizations and tests shall be administered as required by the Illinois Department of Public Health rules (Immunization Code; 77 Ill. Adm. Code 695), or as recommended by the child's physician.
- g) Immunizations must be waived or modified for a child who, for medical reasons, should not be subject to an immunization or when there is a waiver on religious grounds.
- h) If treatment for any physical impairment which requires continuing or follow-up medical attention is needed, the parent, guardian or other facility shall be notified in writing.

(Source: Added at 22 Ill. Reg. 10320, effective  
MAY 26 1988)

**Section 401.450 Transportation of Children**

- a) These requirements apply to any child welfare agency that provides or arranges for the transportation of children to or from their home, whether a permanent home or a foster family home, to other prearranged sites, e.g., to another placement, for visits with family members, to a physician or to another professional.
- b) The child welfare agency must insure that all persons who transport children on behalf of the agency hold a valid driver's license and have insurance, as required by the Illinois Vehicle Code [625 ILCS 5].

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subsequent placements, determination of or changes in the service plan, and discharge from care, shall be reviewed by the child welfare supervisor prior to implementation and when needed. These critical decisions shall result in a revised service plan.

- e) A comprehensive written admission study shall be completed within 30 days after admission and shall include:

- 1) child's name, birth date, place of birth, sex, race, religious affiliation, primary language, legal status including the legal status of the parents, and present address;
- 2) names, birth dates, places of birth, marital status, sex, race, religious affiliation, primary language, addresses, and telephone numbers of the child's biological and adoptive parents;
- 3) date and facility of placement and information concerning any special care or treatment provided to the child and his or her family; and
- 4) reasons for, and the goal of, placement.
- f) The child and/or his or her parent or guardian shall be active participants, to the extent possible, in all decisions regarding the reasons for, and the goal of placement, the child's educational plan, and the service agreement.
- g) Child welfare agencies that license or supervise foster family home; shall comply with the Foster Parent Law [20 ILCS 520].
- h) Records for each child placed in a licensed or license exempt child care facility or independent living program shall include an admission study, legal documents and agreements for care, as required, and case recording which reflects the on-going placement supervision, service planning, care and treatment of the child.
- i) When a child is discharged from the agency's care, records shall include the reason for discharge, the legal status of the child, the name and address of the agency or person to whom the child is discharged, family reunification or aftercare services to be provided to stabilize the family, and any recommendation for the child's future care.

(Source: MAY 26 1988 22 Ill. Reg. 10320, effective  
MAY 26 1988)

**Section 401.430 Interstate Placement of Children**

An agency placing children outside the State of Illinois or receiving children from outside the State shall adhere to all rules and regulations of legal authorities pertaining to such placements and to the requirements of the Interstate Compact on the Placement of Children Act [45 ILCS 15], where applicable, and Department rules, 89 Ill. Adm. Code 328 (Interstate Placement of Children). When the Department of Children and Family Services is legally responsible for the children to be placed outside of the State of Illinois, consents from the guardian or his or her authorized agency must be obtained before this placement may occur.



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(Persons with a special driving permit are not considered to have a valid driver's license.)

- c) The child welfare agency shall ask all drivers to answer the following questions in writing and shall include the response to these questions in their personnel files. Persons who answer "yes" to either of the questions in subsection (c)(1) or (2) shall not be permitted to transport children.

- 1) Has your driver's license been revoked or suspended within the past three years for driving under the influence, manslaughter or reckless homicide?
- 2) Have you caused an accident which resulted in the death of any person within the past five years?

- d) The child welfare agency shall adopt emergency procedures to be followed in the event of an accident, serious illness, or severe weather. Copies of these procedures and other pertinent information shall be provided to all persons driving on behalf of the child welfare agency.

- e) Age-appropriate safety restraints which are federally approved and labeled as such shall be used at all times when transporting children in vehicles having a gross weight of less than 10,000 pounds, except that individual safety restraints are not required when children ride as passengers in taxicabs or common carriers or public utilities.

- f) No more than one child may be in each seat belt or safety restraint.

(Source: Added MAY 26 1993 22 Ill. Reg. 10329, effective

#### Section 401.460 Agency Supervised Foster Family Homes, Group Homes and Day Care Homes

- a) Foster family and day care homes operated and supervised by a child welfare agency shall be licensed according to the standards prescribed and published by the Department for licensing such foster family and day care homes.

- b) The child welfare agency shall submit an application for a license on forms provided by the Department for each foster family home and day care home supervised by it. The child welfare agency shall recommend the licensure or denial of license of family homes supervised by the child welfare agency. The child welfare agency shall make these recommendations to the Department in accordance with 89 Ill. Adm. Code 402 (Licensing Standards for Foster Family Homes) and 89 Ill. Adm. Code 406 (Licensing Standards for Day Care Homes).

- c) The child welfare agency shall maintain licensing records on all foster family and day care homes under its licensing supervision. The child welfare agency shall insure that facilities operating under its supervision maintain all the records required by the appropriate licensing standards for the facility.

- d) The child welfare agency supervising a group home licensed by the

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Department shall be responsible for ensuring the facility operates in accordance with the applicable licensing standards prescribed by the Department. When the child welfare agency intends to supervise a group home, the child welfare agency shall forward the group home license application and necessary documentation to the Department. Department's licensing staff shall conduct a license study and determine whether the group home is in compliance with 89 Ill. Adm. Code 403, Licensing Standards for Group Homes.

(Source: Added MAY 26 1993 22 Ill. Reg. 10329, effective

#### Section 401.470 Agency Responsibilities for Adoption Services

Child welfare agencies must assure the Department that placements of children for adoption are made in the best interests of the children and are selected to meet the needs of the child at the time of the placement and as the child grows and develops. In addition to meeting all requirements for a child welfare agency described in this Part, agencies which provide adoption services must meet the following additional requirements:

- a) have guidelines and eligibility criteria for the selection and evaluation of adoptive home applicants;
- b) provide pre-placement services which include the assessment and preparation of the potential adoptive family as well as the child in need of an adoptive home;
- c) provide the adoptive family with all non-identifying information about the child which has been verified as accurate, whenever possible. If it is not possible to verify the accuracy of the information provided to the adoptive parents, the agency may provide the information to the adoptive family, but shall note that the information has not been verified;
- d) ensure that the legal rights of all parties, including the birth parents, the child, and the adoptive parent are protected throughout the adoption process;
- e) provide the adoptive family, through written agreements, with a clear explanation of the charges and costs the family will incur in the adoption process;
- f) provide the adoptive family prior written notification of any changes to the charges or costs;
- g) provide the birth parents with a clear written explanation of their rights;
- h) comply with all State and federal laws and the requirements of 89 Ill. Adm. Code 333 (Intercountry Adoption Services) when the adoptive placement involves a child from a foreign country.

(Source: Added MAY 26 1993 22 Ill. Reg. 10329, effective



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Section 401.480 Agency Responsibilities for Independent Living Programs

- a) Child welfare agencies may provide independent living services to youth:
- 1) who have been or who are in the out-of-home care system;
  - 2) who are homeless or who are transitioning from residential care;
  - 3) who are without family resources;
  - 4) who need support and assistance coping with developmental disability, physical disability or mental illness.
- b) All agency staff who have passed the background checks required by 89 Ill. Adm. Code 385 (Background Checks).
- c) A child welfare worker shall be assigned to youth in independent living programs and shall meet with the youth at least monthly or otherwise as specified in the service plan.
- d) Child welfare agency staff shall work in partnership with the youth in developing a plan for independence and shall include the youth in conferences and meetings during which key decisions or changes to the youth's service plan are discussed.
- e) The child welfare agency shall ensure that youth in independent living programs are in safe and adequate housing while participating in the program and have access to adequate health care, educational services, vocational and employment services, and opportunities to acquire life skills and the development of self-esteem.

(Source: Added 22 Ill. Reg. 10323, effective 10/26/93)

SUBPART F: SEVERABILITY CLAUSE

Section 401.500 Severability of This Part

If any court of competent jurisdiction finds that any rule, clause, phrase, or provision of this Part is unconstitutional or invalid for any reason whatsoever, this finding shall not affect the validity of the remaining portions of this Part.

(Source: Added at 22 Ill. Reg. 10323, effective 10/26/93)

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Section 401. APPENDIX A Licensing Progression for Child Welfare Agencies

License Status

Permit

Issued only once prior to issuance of a provisional license for not more than six months to enable a new child welfare agency to come into reasonable compliance with licensing standards before an initial, provisional license is issued.

Provisional License

Issued for the first two years of initial licensure to allow a newly licensed facility a period of time to demonstrate the ability to operate the child welfare agency responsibly and remain in compliance with licensing standards. Allows the Department of Children and Family Services to evaluate the quality of licensing and child welfare services provided by the agency. A provisional license may also be issued when a child welfare agency reapplies for licensure after the prior license was voluntarily surrendered, revoked or the Department refused to renew the license.

Full License

Issued after a child welfare agency has completed its provisional license period when the agency is in reasonable compliance with licensing standards and has demonstrated the ability to operate the child welfare agency responsibly.

Conditional License

Issued for not more than six months to enable a child welfare agency to correct deficiencies in its operations which do not jeopardize the health, safety, morals or welfare of the children served. Any other license held by the agency is revoked when a conditional license is issued. If the facility fails to correct the deficiencies and meet all licensing standards at the end of the conditional license period, the Department shall deny full license. (See 225 ILCS 10/8.2.)

Deemed Status

Programs of the child welfare agency are deemed to be in full compliance with the requirements of this Part because the program is fully accredited by the Council on Accreditation of Services for Families and Children and there have been no substantiated licensing complaints which affect the health, safety, morals, or welfare of

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children served by the agency during the past four years. The Department shall conduct annual monitoring visits to verify continued compliance with the requirements of this Part.

(Source: Added at 22 Ill. Reg. 10320, effective MAY 26 1993)

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**Section 401. APPENDIX B Requirements for Operation of Branch Offices**

A multi-site child welfare agency may operate branch offices. The headquarters of the child welfare agency may delegate authority, in accordance with the requirements of this Appendix B, to the branch offices to receive licensing applications from foster family and day care home applicants and make recommendations for licensure directly to the Department. The child welfare agency headquarters authorization of delegation of licensing authority to the branch office must be in writing, signed by the authorized representative of the governing body of the child welfare agency, and must include the following:

- the name of the administrative staff person primarily responsible for the day-to-day operation of the branch office; and
- the address, phone number and office hours for the branch office; and
- the names of the staff persons in the branch office who have passed the licensing examinations required by the Child Care Act of 1969, thus qualifying them to conduct license studies and recommend applicants for licensure, and the types of facilities which they are qualified to examine.

The written delegation of authority to operate a branch office which processes licensing applications must be filed with the Central Office of Licensing, 406 East Monroe Street, Station #60, Springfield, Illinois 62701. If the child welfare agency is fully licensed in good standing and the branch office has sufficient qualified staff who have passed the licensing examinations for the types of facilities to be licensed by the branch office of the child welfare agency, the Central Office of Licensing shall approve the operation of the branch office for the recommendation of foster family and day care home licenses.

Any and all enforcement actions (orders for compliance, license revocation, conditional license, provisional license, etc.) will be handled through the child welfare agency headquarters with a copy to the branch office of the child welfare agency.

(Source: Added at 22 Ill. Reg. 10320, effective MAY 26 1993)

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## Section 401. APPENDIX D Minimum Requirements for a Risk Management Plan

The risk management plan required by Section 401.220(g) shall address at least the following areas of risk with the answers sufficiently explained.

- 1) What risks are presented by the child welfare services offered or supervised by the child welfare agency? How is the agency minimizing those risks?
- 2) What risks are presented to staff and caregivers in the conduct of their duties? How is the agency minimizing those risks? Does the child welfare agency provide staff with a photo identification card?
- 3) What training is provided to staff, foster parents, relative caregivers, day care home providers, or youth in independent living arrangements to help them identify and minimize risks associated with their various duties or living arrangements? Describe all required training.
- 4) Does the agency have a plan to assure the quality of services it delivers? Describe the quality assurance plan.
- 5) Are adequate investigations into the qualifications, education, and experience of staff completed before they are hired? Describe the hiring process.
- 6) Are agency personnel sufficiently qualified to provide services to the types of children accepted for care? How do staff qualifications compare to the special needs which children or youth may present?
- 7) Does the design of any building used for family and child related activities (such as rooms used for family counseling or visits) minimize risks to staff and clients?
- 8) Are buildings used by the child welfare agency appropriately maintained?
- 9) Does the agency have a regular maintenance schedule for vehicles used to transport children? If so, describe the schedule.
- 10) Does the agency require persons who transport children to use child safety restraints and make adequate child safety seats available to staff and volunteers?
- 11) Does the agency have policies in place regarding when staff and volunteers of the same and opposite sex may be alone with clients?
- 12) Does the agency have emergency and disaster preparedness plans? Are they posted and made available to staff? If so, describe the plan and how it is made available to staff.
- 13) Has the agency addressed any deficiencies identified by the independent auditor in the management of its financial resources? Explain what actions were taken.

(Source: Added at 22 Ill. Reg. 10320, effective MAY 26 1998)

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## Section 401. APPENDIX C Financial Analysis of Child Welfare Agency Operations

A certified public auditor who is not affiliated with the child welfare agency, other than to perform the annual audit required by this Part, shall prepare responses to the following questions about the operations of the child welfare agency for the prior fiscal year and submit them to the Department within 180 days after the end of the agency's fiscal year. This response shall be signed and dated by the authorized representative of the governing body. When the child welfare agency functions within a larger multi-service agency, the responses to these questions shall be limited to the operation of the child welfare agency.

- 1) Does the agency have an adequate accounting or bookkeeping system which accounts for receipts, disbursements, assets and liabilities?
- 2) Does the bookkeeping system include, minimally, a chart of accounts and appropriate accounting journals?
- 3) Has the agency failed to meet any agency payroll in accordance with the specified payroll schedule?
- 4) Has the agency failed to pay relative caregivers or foster parents in accordance with the established payment schedule?
- 5) Has the agency been delinquent in paying its payroll taxes or other tax liabilities?
- 6) Has the agency defaulted on agency debts?
- 7) Has the agency failed to bill on a timely basis for amounts due to the agency?
- 8) Has the agency failed to collect bad debts? Has the agency had to write-off bad debts?
- 9) Has the agency failed to maintain adequate assets to provide continuous agency operations and provide services such as staff, taxes, rent, utilities, and supplies for a period of at least 30 days?
- 10) Has the agency loaned money to agency employees or members of the board of directors?
- 11) If the agency has a cumulative operating deficit which is not attributable to a planned one-time increase in expenditures, has the agency developed and implemented a corrective plan which has been submitted to the governing body for approval?

If the answer to any of the questions 3 through 11 is "yes", please provide details which explain the "yes" answer, attaching additional sheets as necessary.

(Source: Added at 22 Ill. Reg. 10320, effective MAY 26 1998)



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## Section 401 APPENDIX E Acceptance of Voluntary Surrender of License - No Investigations Pending

OFFER OF VOLUNTARY SURRENDER BY A CHILD WELFARE AGENCY

(No investigations pending)

I, \_\_\_\_\_ (Name of head of governing body), affirm that the governing body of the (name of the child welfare agency) met on (date of meeting) and voluntarily agreed to surrender license number \_\_\_\_\_, expiration date of \_\_\_\_\_ (original license attached to this agreement).

I further state that the agency, to the best of the knowledge of myself and each member of the governing body, is not presently under investigation by the Department of Children and Family Services for any licensing complaint or report of suspected abuse or neglect or by the DCFS-Office of Inspector General or by any other state agency of any state or its inspector general or by any local, state or federal law enforcement agency for any reason.

I acknowledge that if, at any time after the acceptance of the offered surrender of license, the Department learns that the child welfare agency knew or should have known that it was under investigation at the time it offered to surrender its license and failed to disclose the information to the Department, the Department at its option may set aside its acceptance of the surrender and proceed to take appropriate action against the licensee and the licensee, including but not limited to, the revocation of the license or the refusal to renew the license.

I further state that the attached listing is a complete and correct listing of the names and addresses of the child care facilities supervised by this child welfare agency and of the license exempt day care, relative home care, independent living facilities, and other programs operated by the child welfare agency.

County of \_\_\_\_\_ )  
State of Illinois \_\_\_\_\_ )ss

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_.

Printed name and title of head of governing body \_\_\_\_\_

Signature \_\_\_\_\_ /Date \_\_\_\_\_

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Notary Public \_\_\_\_\_

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Section 401. APPENDIX F Acceptance of Voluntary Surrender of License -  
Investigations Pending

AGREEMENT FOR THE VOLUNTARY SURRENDER OF A LICENSE  
(Investigations pending)

I, (name of head of the governing body), affirm that the governing body of the (name of the child welfare agency), met on (date of meeting) and agreed to voluntarily surrender license number , with an expiration date of (original license attached to this agreement).

I further state that the child welfare agency has reason to believe that it is presently under investigation by the Department of Children and Family Services for a licensing complaint or a report of suspected abuse or neglect, by the DCFS-Office of the Inspector General or by any local, State or federal law enforcement agency for any reason, or that litigation is pending between the Department and the child welfare agency.

In the following space, identify the investigating agency and summarize the basis of the investigation, if known. Attach additional pages, if necessary.

In the following space identify all pending litigation between the Department and the child welfare agency. Provide the name of the case, docket number, and:

- a) the county in which it is filed, if a State action,
- b) appellate district, if on appeal,
- c) the district, if it is a federal action, or
- d) the circuit, if it is on appeal.

I further state that the governing body of the child welfare agency or its successor will not apply for a license as a child welfare agency until (insert date at least one year from today's date).

I further state that the attached listing is a complete and correct listing of the names and addresses of the child care facilities supervised by this child welfare agency and of the license exempt day care, relative home care, independent living facilities, and other programs operated by the child welfare agency. (Attach additional pages, if necessary.)

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ACCEPTANCE OF VOLUNTARY SURRENDER BY A LICENSING ADMINISTRATOR  
(No investigations pending)

I, (name of licensing administrator), accept the voluntary surrender of this license and affirm that, to the best of my knowledge, this child welfare agency is not presently under investigation by the Department of Children and Family Services for any licensing complaint or report of suspected abuse or neglect, and that neither the DCFS-Office of the Inspector General nor any other state agency of any state or its office of inspector general nor any local, any State or any federal law enforcement agency has given the Department notice that this child welfare agency is under investigation. Further, no litigation exists between the Department and this agency.

Printed name and title of licensing administrator:

Signature of DCFS licensing administrator/Date

(Source: Added 30 1993 22 Ill. Reg. 10322, effective

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Printed name and title of head of governing body

Signature \_\_\_\_\_/Date \_\_\_\_\_

County of \_\_\_\_\_)

State of Illinois ) ss

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Notary Public \_\_\_\_\_

**ACCEPTANCE OF VOLUNTARY SURRENDER BY A LICENSING ADMINISTRATOR**

I, (name of the licensing administrator), accept the voluntary surrender of the license and agree that the Department will not seek to revoke the license and will not refuse to renew the license if the statements made above are correct and complete. As part of this agreement, the Department will not accept another application for license as a child welfare agency before (insert date at least one year after the date of acceptance of the voluntary surrender).

Printed name and title of licensing administrator \_\_\_\_\_

Signature of DCFS licensing administrator/Date \_\_\_\_\_

(Source: Added MAY 26 1998 22 Ill. Reg. 10323, effective \_\_\_\_\_)

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**Section 401. APPENDIX G Acceptable Human Services Degrees**

The following degrees may be accepted as human services degrees.

Child, Family and Community Services  
Early Childhood Development  
Guidance and Counseling  
Home Economics - Child and Family Services  
Human Development Counseling  
Human Service Administration  
Human Services  
Master of Divinity  
Pastoral Care  
Pastoral Counseling  
Psychiatric Nursing  
Psychiatry  
Psychology  
Public Administration  
Social Science  
Social Services  
Sociology

Individuals who have a Master's degree in another field who have completed significant course work that may qualify as human services course work may submit a certified transcript of their educational experience, along with the college or university's catalogue or other description of the contents of the course work, to the Department's Central Office of Licensing for consideration of academic equivalency. The Central Office of Licensing will convene a five person panel to review all transcripts and course information and make a decision on the equivalency of the college degree to a human services degree. All decisions of the Central Office of Licensing on the equivalency of any degree shall be final and are not appealable.

(Source: Added MAY 26 1998 22 Ill. Reg. 10323, effective \_\_\_\_\_)



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1) Heading of the Part: Illinois Promotion Act Programs

2) Code Citation: 14 Ill. Adm. Code 510

Section Numbers:	Adopted Action
510.10	510.175
510.20	510.185
510.50	510.190
510.60	510.200
510.70	510.205
510.80	510.210

4) Statutory Authority: Implemented and authorized by 20 ILCS 665

5) Effective Date of Rulemaking: June 1, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: June 1, 1998

9) Notice of Proposal Published in Illinois Register: January 23, 1998 (22 Ill. Reg. 2007)

10) Has JCARR issued a Statement of Objection to these rules? No

11) Difference(s) between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCARR been made as indicated in the agreement letter issued by JCARR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking:

Subpart A: This rulemaking revises the Tourism Matching Grant Program rules changing the program name to better reflect the program intent to foster promotional partnerships; updates program rules to bring them more in line with current industry trends and statewide tourism marketing efforts that encourage increased travel into and throughout the State, impacting economic growth and creating increased overnight stays.

Subpart B: This rulemaking revises the Tourism Attraction Development Grant and Loan Program rules to better reflect the program intent to develop new tourism attractions and enhance existing attractions with the

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Section 401. APPENDIX H Professionals Who Must Be Registered or Licensed to Practice in the State of Illinois

Type of Profession	Statute Which Requires Registration or Licensure
<u>Athletic Trainer</u>	Illinois Athletic Trainers Practice Act [225 ILCS 5]
<u>Clinical Social Worker</u>	Clinical Social Work and Social Work Practice Act [225 ILCS 20]
<u>Dental Assistant</u>	Illinois Dental Practice Act [225 ILCS 25]
<u>Dentist</u>	Illinois Dental Practice Act [225 ILCS 25]
<u>Dietician</u>	Dietetic and Nutrition Services Practice Act [225 ILCS 30]
<u>Marriage and Family Therapist</u>	Marriage and Family Therapy Licensing Act [225 ILCS 55]
<u>Nurse</u>	Illinois Nursing Act of 1987 [225 ILCS 65]
<u>Occupational Therapist</u>	Illinois Occupational Therapy Practice Act [225 ILCS 75]
<u>Optometrist</u>	Illinois Optometric Practice Act of 1987 [225 ILCS 80]
<u>Pharmacist</u>	Pharmacy Practice Act of 1987 [225 ILCS 85]
<u>Physical therapist</u>	Illinois Physical Therapy Act [225 ILCS 90]
<u>Physician</u>	Medical Practice Act of 1987 [225 ILCS 60]
<u>Physician Assistant</u>	Physician Assistant Practice Act of 1987 [225 ILCS 95]
<u>Podiatrist</u>	Podiatric Medical Practice Act of 1987 [225 ILCS 100]
<u>Professional Counselor</u>	Professional Counselor and Clinical Professional Counselor Act [225 ILCS 107]
<u>Psychologist</u>	Clinical Psychologist Licensing Act [225 ILCS 15]
<u>Social Worker</u>	Clinical Social Work and Social Work Practice Act [225 ILCS 20]
<u>Speech-Language Pathologist</u>	Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110]
<u>Teacher</u>	School Code [105 ILCS 5]

(Source: Added MAY 26 1998, effective 22 Ill. Reg. 10320)

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capacity to generate sustainable economic growth through increased travel activity; expands eligible project activities; and establishes grant application deadlines.

Subpart C This rulemaking revises the Tourism Private Sector Grant Program rules to clarify and update language, citations and establish an ongoing application cycle.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Ms. Sue Fierce, Grants Manager  
Illinois Bureau of Tourism  
Department of Commerce and Community Affairs  
620 East Adams Street  
Springfield, Illinois 62701  
217/785-6355

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF ADOPTED AMENDMENT(S)

## TITLE 14: COMMERCE

## SUBTITLE C: ECONOMIC DEVELOPMENT

## CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## PART 510

## ILLINOIS PROMOTION ACT PROGRAMS

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Name, title, address, and telephone number of authorized official.

County and legislative district where attraction/event will take place.

Federal Employment Identification Number (F.E.I.N.) or social security number of authorized official.

Project title.

Anticipated initiation and completion date (project may not be initiated prior to approval by the Bureau of Tourism to remain eligible for matching grant funding).

Estimated total cost of project (based on bids and itemized budget).

Percentage and amount of tourism matching grant request.

A description of the project (A detailed description of the work to be performed and the need for the project. Information should include a description of the event, attraction or area being promoted, and quantity of project (e.g., number of brochures to be printed)).

A description of how and where printed material will be distributed or the geographic location of the audience for projects containing advertising (e.g., radio, television, newspaper).

A description of the economic impact expected as a result of this project and how the program will aid in the promotion of tourism in Illinois.

A description of anticipated project results and a description of the evaluation methods to be used in determining the results. Emphasis should be placed on quantifiable measures as the applicant may be asked to verify results.

A list of the source(s) and amount of funding for the applicant's project.

An itemized budget for each cost which identifies the vendor and provides a brief description of the services being provided.

"Application Documentation" includes

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510.260 Application Cycle

510.270 Application Documentation

510.275 Evaluation Process

510.280 Selection for Funding

510.285 Matching Funds

510.290 Administrative Requirements for Grants

AUTHORITY: Implementing and authorized by the Illinois Promotion Act [20 ILCS 665].

SOURCE: Filed December 30, 1977; codified at 6 Ill. Reg. 15011; emergency amendment at 14 Ill. Reg. 13298, effective August 6, 1990, for a maximum of 150 days; emergency expired January 3, 1991; amended at 15 Ill. Reg. 2673, effective February 1, 1991; amended at 15 Ill. Reg. 8848, effective June 10, 1991; emergency amendment at 17 Ill. Reg. 22096, effective December 13, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5813, effective April 1, 1994; amended at 18 Ill. Reg. 8387, effective May 23, 1994; amended at 20 Ill. Reg. 5064, effective March 11, 1996; amended at 22 Ill. Reg. 10394, effective JUN 01 1998.

SUBPART A: TOURISM MARKETING PARTNERSHIP MATCHING-GRANT PROGRAM

Section 510.10 Authority

The Illinois Department of Commerce and Community Affairs, having been created pursuant to Executive Order No. 3 (effective 1979), has been empowered to administer the Illinois Promotion Act [20 ILCS 665] (---Rev-Stat-1989-CH-1277-PARS-266-21-et-seq-7).

(Source: Amended at 22 Ill. Reg. 10394, effective JUN 01 1998)

Section 510.20 Definitions

"Act": means the Illinois Promotion Act.

"Agreement": means a signed and written document defining the rights and obligations of the Applicant and the Department in respect to the Project and the Grant Amount.

"Applicant": means a County, Municipality or Local Promotion Group which is located within the State of Illinois.

"Application": means that written document submitted by the Applicant on the approved form of the Department. The dated Application shall include the following information:

Name of applicant organization.



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samples of the proposed Project which shall include, but are not limited to, mock-up and copy or duplicates of mock-up with color indicated;

copies of a minimum of two competitive bids, using identical specifications, for all total costs by any vendor that exceeds \$500 and identification of the low bid listed on the itemized budget;

an agreement by the Applicant to comply with Section 10.1 of the Illinois Purchasing Act (1991 Rev. Stat., Ch. 127, par. 10-1) [30 ILCS 505/10.1];

a certification by the Applicant that it has not been barred from bidding on or receiving State contracts as a result of illegal bid rigging as defined in Section 33E-3 of the Criminal Code of 1961 (1991 Rev. Stat., Ch. 98, par. 33E-3) [720 ILCS 5/33E-3]; and

a current copy of the applicant organization's State of Illinois Not-For-Profit Certificate of Good Standing.

"Bureau of Tourism": is that division of the Department which has the delegated authority to perform all administrative functions relating to the Act.

"Department": means the Department of Commerce and Community Affairs of the State of Illinois.

"Eligible Promotional Projects": include but are not limited to:

Brochures - Brochures must be devoted to the promotion of tourism attractions and/or events. Brochures to be utilized by tourists must be printed in quantities of at least 20,000, printed in a minimum of two-color, printed on a minimum of 60# bond paper stock, and cannot exceed a finished size of 8 1/2 inches x 11 inches. All brochure final copy must be reviewed and approved by the Matching-Grant Program Manager staff prior to being printed. Final proofs must be submitted to the Department at least five working days prior to printing to allow for changes, if necessary. Applicants bear sole responsibility for accuracy of information printed. The date and quantity printed must appear on the printed material or a 5% penalty will be assessed. All printed projects that are funded under the program must be available on a gratis basis free of charge to the public and shall not be sold.

Advertising - Advertising must be directed toward areas other

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than the immediate location of the attraction, event, or area being promoted. Matching grant funds cannot be used to pay for advertising placed within a 100 75 mile radius of the attraction, event, or area being promoted. Advertising will be considered eligible if placed with media outside the 100 75 mile radius, even if a portion of the advertising falls inside the radius. Advertising placed in a major market (e.g., Chicago, St. Louis) will also be considered for funding if it is placed inside the 100 75 mile radius, and the media source's Sunday edition run of press entire-service-area and the placement does not exceed 50% of the grant advertising budget. A typed manuscript or one audio/video cassette tape copy of each advertisement must be submitted with the application. The ad must be persuasive with general information and should include an address or phone number to contact for lodging and other tourism information.

Billboards - Rental of billboard space, as well as the artwork, design, and production of billboard advertising, is an eligible expenditure. Billboards must promote attractions, events, availability of lodging, camping or other travel related services. Billboard advertising cannot mention specific privately owned businesses or attractions. The 100 75 mile radius guideline governing other advertising does not apply to billboard location but placement for promotion of events must be a minimum of 30 miles from the location of the event, placement for promoting attractions must be a minimum of 15 miles from the area being promoted and traffic count and visibility will also be a major consideration.

Other Types of Promotional Projects - Website development (development only, no maintenance fees), marketing research, travel/trade show booth space rental and expenses (i.e., electric, furniture rental, cleaning, etc.), and travel/trade show registration fees for both domestic and international marketing.

Promotional Participants - Applicants that charge "for profit" participants for inclusion in promotional projects must also include the promotion of a minimum of 3 non-profit attractions/events. Charges for participation from any source cannot exceed the match requirement or it will lower the Department's grant award.

"Grant Amount": means an amount, which shall not exceed 60% (sixty percent) of the Total Project Cost, that the Department shall pay to an Applicant after:

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region of Illinois (Section 3(b) of the Act).

"Local Share": means that portion of Total Project cost which:

in no case shall be less than 40% (forty-percent) of the Total Project Cost;

is provided by the Applicant and is not State or--federal funds; and

is irrevocably obligated to the Project.

"Municipality": means "municipality" as defined in Section 1-1-2(1) of the Illinois Municipal Code (Ill-Rev-Stat,--1991,--ch,--24,--par-1-1-2(1)) [65 ILCS 5/1-1-2(1)].

"Project": means the program of Promotional Activities which is described by the Applicant in the Application and is approved by the Department. Acceptable components of a Project may include, but are not limited to, the examples of valid projects contained on the Application form.

"Regional--tourism--Councils":--are volunteer organizations within the State--geographic areas--(southern, northern,--western,--central)--which work--in--cooperation--with--the--Department--to--promote--tourism--in Illinois.

"Total Project Cost": means all necessary and reasonable costs related to the completion of the Project, but does not include administrative costs incurred by the Applicant, examples of which are stationery, postage, telephone, office equipment and services of professional fund raisers. The total project cost must equal or exceed \$3,000 \$17500 to be considered for a grant award. Projects are reviewed, evaluated, and funded according to the percentages of total project cost based on the quality of the project and its duration. Up thirty to 40% forty-percent of the total project cost may will be funded for approved festival events (festival events have a duration of 1-29 days). Up to 45% Forty-to-fifty-percent of the total project cost may will be funded for approved seasonal events (seasonal events have a duration of 1-6 months). Up Forty to 60% sixty-percent of the total project cost may will be funded for approved year-round promotions (year-round promotions have a duration of 7-12 months).

(Source: amended 22 Ill. Reg. 10394, effective

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review of the Application;

the Department has determined that the Project and proposed expenditures of the Applicant appear to be in accord with the purpose of the Act and comply with this Part; and

the Department has received sufficient evidence of Project completion.

"Ineligible Promotional Projects": In general, a project is considered ineligible if it does not contribute to the overall intent of bringing additional tourists into the State and generate increased lodging revenue. Examples of projects ineligible for funding include, but are not limited to:

Association or organizational dues.

Bumper stickers, placemats, or any type of specialty items.

Any type of quick-print materials.

Any administrative expenses (e.g., stationery, envelopes, phone, rent, newsletters, supplies, personnel or equipment).

Purchase or rental of projectors, television sets, or video recorders.

Projects solely promoting for-profit entities.

Postage, purchase or use of mailing lists, distribution and shipping costs.

Street banners.

Event production expenses (e.g., audio equipment, awards, entertainment, fireworks, portable restrooms, hired labor, refreshments, etc.).

Travel expenses (transportation, lodging, per diem).

Travel/trade-show-booth-space-rental-and/or-registration-fees-

Promotion of county fairs.

"Local Promotion Group": means any non-profit corporation, organization, association, agency or committee thereof formed for the primary purpose of publicizing, promoting, advertising or otherwise encouraging the development of tourism in any municipality, county or

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- a) All communications relating to Application procedures herein defined shall be sent to the Program Matching-Grant Manager of the Bureau of Tourism of the Illinois Department of Commerce and Community Affairs, 620 East Adams Street, Springfield, Illinois 62701.
- b) Only one application per applicant except-for-Regional-Tourism Councils, can be submitted for each award period for each category of funding (i.e., festival event, seasonal event, year-round promotion). Multiple projects can be combined into one request.
- c) An Application shall be in writing and on the current approved form provided by the Department which form shall be sent to an interested party upon request.
- d) An Application shall be submitted as one ~~two~~ original and two ~~two~~ copies.
- e) Each Application including supporting documents and attachments shall be contained under a single cover.

(Source: Amended at 22 Ill. Reg. 10394, effective JUN 01 1998)

## Section 510.60 Application Procedures

- a) An Application must be received by the Department during the period of time between September 1 through May 1 of each State fiscal year. Grant awards will be made three times annually. Applications shall be received a minimum of sixty 60 days prior to award dates of July August 1, November 1, and April February 17--and May--1. Any application received after an application deadline which is for marketing opportunities supported or promoted by the Department that have a deadline prior to the next scheduled award date will be processed upon receipt.
- b) Except as provided in subsection (a) above, an Application will be considered received when delivered to the Bureau of Tourism.
- c) The Program Matching-Grant Manager of the Bureau of Tourism shall issue a receipt to the Applicant acknowledging delivery of the Application including date the Application was received.
- d) Review of Applications

- 1) Within fourteen 14 days after receipt of the Application, the Program Matching-Grant Manager of the Bureau of Tourism shall notify the Applicant that after an initial review, the Application and attached exhibits are complete on their face. This notice is not in any way an acknowledgement by the Program Matching-Grant Manager as to the adequacy of the substance of the Application.
- 2) In the event the Program Matching-Grant Manager of the Bureau of Tourism determines that the Application and its attached exhibits are not complete on their face, the Applicant shall be notified of such fact along with a list of such deficiencies within fourteen 14 days after of the receipt of the Application.

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- 3) Should the Program Matching-Grant Manager of the Bureau of Tourism send a notice of deficiency as required in subsection (d)(2) above, the Applicant shall have fourteen 14 days from the date of such notice to cure such deficiency. If
- A) the Applicant fails to supply additional material to cure the deficiency; or
- B) submits additional material which in the opinion of the Program Matching-Grant Manager does not cure the deficiency, the Application shall be considered null and void and returned to the Applicant.

- e) Within sixty 60 days from the date of notification issued pursuant to subsection (d)(1) or (d)(2), the Director of the Department shall either:
- 1) notify the Applicant that its Application has been approved; or
- 2) notify the Applicant that its Application has been rejected, stating the reason(s) for this rejection.

(Source: Amended at 22 Ill. Reg. 10394, effective JUN 01 1998)

## Section 510.70 Department Review Procedures

- a) The Application shall be reviewed by the Bureau of Tourism staff and the Department's Director for approval or rejection.
- b) The following evaluation criteria questions--and--factors shall be considered by the Department in its determination whether to accept or reject an Application:

## 1) Marketing

1)A) Is Does the Project part of a comprehensive marketing plan based upon research to increase tourism to the area? support-and augment-the-marketing-efforts-of--the--Bureau?--More--favorable consideration-will-be-given-to-applications-which-are-cooperative

2)B) Does the Project include overnight lodging packages in order to increase overnight stays? Will--the--project--encourage--visitors from-a-distance-of-at-least-75-miles-or-out-of-state?--The-intent of--the--program-is--to-encourage-travel-into-and-throughout-the State--impacting-the-economic-growth--and--primary--consideration will--be--given--to-projects-creating-the-potential-for-overnight stays-

3)C) Will the Project attract tourists from a distance of at least 100 miles from other states and/or other areas of the State? generate-overnight-stays--increasing-hotel/motel-and/or--bed--and-breakfast--occupancy?--Consideration-will--also--be--given--to projects-incorporating-lodging-packages-

4)D) Does the Project include financial participation from private partnerships? What-is--the--intended-audience?--Audiences--may include--consumers--inside-or-outside-the-State--special-interest



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- ~~groups-travel-agents-and-tour-brokers-etc.~~  
 5) Are there measurable ways to evaluate the Project's effectiveness and return on investment? ~~Will the project aid in the promotion of tourism in Illinois?~~  
 6) Has applicant complied with all Program Guidelines and Close-Out Procedures on past grant awards?  
 7) Does the Project duplicate anything already available in the target market area?  
 2) Economic impact  
 A) What is the potential economic impact from implementation of this project?  
 B) Are there measurable ways to gauge effectiveness in terms of increased visitor spending in the area? Increased employment, increased sales, increased gasoliner, hotel, motel and/or retail occupation, tax revenues? Plans for a follow-up evaluation and ongoing research will enhance the Project Application.

- 3) Duplication  
 The Project should not duplicate anything already available in the target market area.

(Source: Amended at 22 Ill. Reg. 10394, effective JUN 01 1996)

## Section 510.80 Agreement

- a) When the Department sends notice to the Applicant that the Project has been approved for funding, an Agreement shall be executed by the Director of the Department or the Director's designee on behalf of the Department. The project must not be initiated prior to approval by the Department to remain eligible for funding.
- b) The Agreement shall contain substantive provisions including but not limited to the following:
- 1) a recitation of legal authority pursuant to which the Agreement is made;
  - 2) an identification of the Project scope, schedule, and the work or services to be performed or conducted by the Applicant;
  - 3) an identification of the Grant Amount;
  - 4) the conditions and manner by which the Department shall pay the Grant Amount subject at all times to annual appropriation by the General Assembly;
  - 5) the irrevocable promise of the Applicant to pay the Local Share of the Total Project cost;
  - 6) the promise of the Applicant to display the current Illinois Tourism identification on all Projects funded through the grant program. Failure to include the current Matching Grant logo in its entirety will result in a 10% penalty, which will be deducted from the grant award. Failure to include any identification will

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result in a total cost disallowance for that portion of the grant project;

- 7) the promise of the Applicant to furnish the Department a minimum of 10%, up to 20% if requested, of the total promotional material printed. The entire quantity of requested brochures must be received in the Tourist Information Centers listed on the brochure distribution form ~~Bureau--of--Tourism--Springfield~~ warehouse prior to reimbursement of the grant award. Brochures promoting special events must be received in the Tourist Information Centers warehouse a minimum of 60 days prior to the event;
- 8) a promise by the Applicant not to assign or transfer any of the rights, duties or obligations of the Applicant without the express written consent of the Department;
- 9) a promise by the Applicant not to amend the Agreement without the written consent of the Department. Failure to do so will result in a cost disallowance. The project must be completed by the completion date on the Notice of Grant Award unless a written request for an extension is submitted five (5) working days prior to the award completion date;
- 10) a covenant of the Applicant to apply the Grant Amount only for the purposes of the Project as stated in the Application; and
- 11) a covenant of the Applicant to refrain from entering into any written or oral agreement or understanding with any party which might be construed as an obligation of the State of Illinois or the Department for the payment of any funds under the Act.

(Source: Amended at 22 Ill. Reg. 10394, effective JUN 01 1996)

## Section 510.85 Administrative Requirements

- a) Reporting  
 1) Grantees shall maintain appropriate records of actual costs incurred and shall submit to the Department detailed itemization supported by copies of vendor invoices. Cancelled checks (both front and back) shall be submitted by the grantee for project expenditure documentation within ~~forty-five--~~ 45 days after payment of the grant as proof of payment for all applicable cost of the program.
- 2) A program status report must be submitted to the Department by May 15 for all projects which have not been completed. Failure to report the withdrawal of approved grant funds by May 15, if funds will not be utilized, may affect the grantee's application for grant funds in a future year. Billing for the total costs of projects must be submitted to the Department within ~~forty-five--~~ 45 days after of project completion and no later than August 7<sup>th</sup> to facilitate payment.

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- 3) Upon request, grantees must submit financial reports on the progress of the project.
- b) Accountability

1) The grantee is accountable for all funds received under this grant and shall maintain complete records of expenditures made on the grant project. The grantee will, as often as deemed necessary, allow the Department or the Auditor General of the State of Illinois or any of their duly authorized representatives to have full access to and the right to examine any pertinent books, documents, papers and records of the grantee involving transactions related to a grant for three years from the date of submission of the final expenditure report.

2) If any services specified in the approved marketing plan are subcontracted, the grantee shall include in all its subcontracts under a program grant a provision that the Department, and the Auditor General of the State of Illinois, or any of their duly authorized representatives, will have full access to and the right to examine any pertinent books, documents, papers and records of any such contractor involving transactions related to the contract for three years from the final payment under the contract.

- c) Contracting - The following contracting requirements shall be observed by the grantee:

1) For local government grantees, no officer or employee of the grantee and no member of its governing body and no other public official of the locality in which the program objectives will be carried out who exercises any functions or responsibilities in the review or approval of the undertaking or carrying out of such objectives shall participate in any decision relating to any contract negotiated under a program grant which affects his/her personal interest or the interest of any corporation, partnership or association in which he/she is directly or indirectly interested, or has any financial interest, direct or indirect, in such contract or in the work to be performed under such contract. For non-governmental grantees, such a financial interest is permissible provided full disclosure of said interest is made to the Department in advance of any decisions relative to the award of a contract giving rise to such interest and further provided that the officer, employee, or member of the governing body so affected shall remove him or herself from the room during any discussion, deliberation and voting in connection with the awarding of such a contract.

2) Nondiscrimination - The grantee shall comply with all applicable State and Federal employment laws, rules and regulations, and shall comply with all laws and regulations prohibiting discrimination on the basis of race, sex, religion, national origin, age, or handicap.

- d) Suspension or Cancellation of Grant - The Department shall suspend or cancel a grant if the grantee fails to comply with the terms and

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conditions of the grant. The Department will give ten (10) days notice to the grantee of any contemplated suspension or termination of a grant.

- f) Complaint Process - In the case of a grantee complaint, the Department shall follow the procedures outlined in 47 Ill. Adm. Code 10 (Review and Appeal Procedures).

(Source: Amended at 22 Ill. Reg. 10394, effective JUN 01 1998)

## SUBPART B: TOURISM ATTRACTION DEVELOPMENT LOAN AND GRANT PROGRAM

## Section 510.110 Purpose

Section 8a of the Illinois Promotion Act (Act) [20 ILCS 665] (###-Rev--Stat-1989-Ch--127--par--280-28a) authorizes the Department of Commerce and Community Affairs to make grants to counties, municipalities or local promotion groups and loans to for-profit businesses for the development or improvement of tourism attractions in Illinois.

(Source: Amended at 22 Ill. Reg. 10394, effective JUN 01 1998)

## Section 510.120 Definitions

"Application" means a request for program funds including the required forms and attachments.

"Department" means the Department of Commerce and Community Affairs.

"Local Promotion Group" means any non-profit corporation, organization, association, agency or committee thereof formed for the primary purpose of publicizing, promoting, advertising or otherwise encouraging the development of tourism in any municipality, county, or region of Illinois (Section 3(b) of the Act).

"Municipality" means "municipality" as defined in Section 1-1-2(1) 1-1-2 of the Illinois Municipal Code [65 ILCS 5/1-1-2(1)] (###-Rev-Stat--1989-Ch--247-par-1-1-247).

"Program" means the Tourism Attraction Development Loan and Grant Program.

"Project" means an activity or activities funded by the Tourism Attraction Development Loan and Grant Program encouraging the initiation and implementation of new tourism attractions, and the enhancement of existing attractions having the capacity to generate sustainable economic growth through increased travel activity.



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(Source: Amended at 22 Ill. Reg. 10304, effective 10/01/1993)

Section 510.160 Application Cycle

- a) The Department shall supply interested entities with an application package upon request. ~~Applications under this program will be accepted on an ongoing basis.~~ Applications under this program must be received by August 1 for grant awards on October 1. Applications received after August 1, and prior to March 1, will be considered for the second award period on May 1, if funds are still available.
- b) Applications will be accepted at the following addresses:
- 1) Bureau of Tourism, Department of Commerce and Community Affairs, 620 East Adams, Springfield IL 62701 7-11-62704; or
  - 2) Bureau of Tourism, Department of Commerce and Community Affairs, James R. Thompson Center State-of-Illinois-Center, 100 W. Randolph, Suite 3-400, Chicago IL 60601.
- c) Applications shall be in writing and on the current approved forms provided by the Department.
- d) An application shall be submitted as one original and four copies.

(Source: Amended at 22 Ill. Reg. 10304, effective 10/01/1993)

Section 510.170 Application Documentation

- a) All applicants shall include documentation of the following:
- 1) Description of the project - a summary description of the project.
  - 2) History - a brief history of the applicant, including its legal organization, i.e., articles of incorporation, if incorporated as a not-for-profit or for-profit entity or statutory authority as a governmental entity and approval of the project by the appropriate entity.
  - 3) Use of Funds - a detailed explanation of the use of the grant or loan funds.
  - 4) Results - a statement of the expected outcome and benefits to the State as a result of this project in terms of development or improvement of tourism attractions. Preference will be given to projects which demonstrate the greatest potential for increasing hotel/motel occupancy and travel into and throughout the State of Illinois stimulating the economic growth of the tourism industry.
  - 5) Project Implementation Schedule - a list of the timelines for major project milestones and/or activities including the start and end date of each activity.
  - 6) Management - listing of those individuals that are responsible for the management of the tourist attraction, their positions and responsibilities, and resumes of key senior individuals at the

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"Recipient" means an Illinois a Local Promotion Group, county or municipality that has been awarded a grant or a for-profit business that has been awarded a loan under this Program.

"Tourism attraction" means fishing and hunting areas, historical/cultural sites, vacation regions, areas of historic or scenic interest, museums, recreation areas, interpretive programs, and facilities and other facilities or businesses which attract or serve travelers.

(Source: Amended at 22 Ill. Reg. 10304, effective 10/01/1993)

Section 510.130 Eligible Uses of Loan and Grant Funds

- a) Eligible Projects and Activities - The Program shall provide financial assistance to counties, municipalities, local not-for-profit organizations, local promotion groups and for-profit businesses for such activities as: Activities assisted by this program shall include the following: Provision of assistance to counties, municipalities, local promotion groups and for-profit businesses for such activities as: land acquisition, public facilities construction, renovation and improvements (such as water, sewer, roads and utility lines), acquisition, reconstruction, and rehabilitation of buildings, purchase and installation of machinery and equipment, working capital and operational expenses, feasibility studies and analyses, research and development, and marketing and management planning for new tourist attractions, and other activities necessary to develop or improve an existing tourist attraction or develop a new tourist attraction.
- 1) Capital Projects - land acquisition, construction, renovation or acquisition of buildings.
  - 2) Equipment - purchase and installation of machinery and equipment.
  - 3) Training - development and presentation of hospitality, quality service and/or other types of tourism training programs intended to provide a competitive workforce for the tourism industry of Illinois.
  - 4) Studies - feasibility, research, development, and marketing studies dedicated to developing new tourism specific attractions and
  - 5) Interpretive Programs - creation, implementation and staffing of interpretive programs located within historic/cultural sites.
- b) Ineligible Projects and Activities - Activities ineligible for funding include, but are not limited to debt refinancing, contingency funding and normal operating expenses, routine staff, and operating and administrative expenses. The list of activities that are ineligible for funding includes, but is not limited to, debt refinancing, contingency funding and normal operating expenses.



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site location.

- 7) Land and Building Information (if applicable) - for land and/or building acquisition, an MAI appraisal and a copy of the purchase option or agreement; for building construction or renovation, a contractor's or architect's cost estimates.
- 8) Description of Machinery and Equipment (if applicable) - identification of major equipment or classes of equipment to be acquired with the Department's program funds; for acquisition of new machinery and equipment, attachment of reliable vendor cost estimates; for moving and installation costs, attachment of written estimates; for used machinery and equipment acquisition, an appraisal demonstrating that the fair market value is consistent with the purchase price.
- 9) Description of Working Capital (if applicable) - a description of the type of working capital needs to be financed with the Department's program funds.
- 10) Letters of Commitment - documentation of all sources of leveraging; loan commitment from financial institutions shall have language indicating the loan amount, the specified term and interest, collateral, conditions attendant to the loan, and the fact that the loan is approved; any commitment to purchase a revenue bond shall have an executed inducement resolution and the rates, terms, and conditions of approval by the buyers.
- 11) Site Map - an outline of the general location of the project on a site map, reflecting the location of any floodplain areas or wetlands.
- 12) Bids - a minimum of two competitive bids, using identical specifications, obtained through an open and competitive bidding process, for the purchase of goods exceeding \$5,000 and services exceeding \$25,000 must be submitted and approved.

- b) In addition to the requirements of subsection (a), for-profit businesses shall include documentation of the following:

- 1) Market Information - information on the company's products or services and identification of existing and potential major customers and competitors.
- 2) Historical Financial Statement - historical financial statements for the past three years and interim statements dated no more than 90 ninety days prior to application including:
  - A) Profit and Loss Statements;
  - B) Balance Sheets;
  - C) Cash Flow Statements; and
  - D) Disclosure of Contingent Liabilities.
- 3) Projected Financial Statements - three year projections of the Profit and Loss Statement and Balance Sheet and a one year Monthly Cash Flow Projection.
- 4) Ownership - the company will provide a detailed statement of ownership which shall include a percentage of ownership. Such statements shall clearly identify any ownership interest which

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amounts to 20% or more, any ownership interest which is considered to be controlling the business, and/or any interest which is guaranteeing any financial or contractual activities of the company. For all such entities which meet any of these conditions, a personal financial statement(s) shall be provided. The Department shall waive the requirements of subsections (b)(1) through (4) when:

- 5)
  - A) The company has submitted a comprehensive business plan or company annual reports;
  - B) The company is publicly owned and traded; and
  - C) The company's historic financial condition is deemed excellent, meeting industry standards in accordance with Section 510.175(b).

(Source: Amended at 22 Ill. Reg. 10334, effective JUN 01 1998)

## Section 510.175 Evaluation Process

The Department shall screen all applications to determine whether all requirements of the application package have been addressed and whether the applicant is eligible for funding. Applicants shall be notified of deficiencies in applications and given an opportunity to correct such deficiencies through submission of additional documentation. This review and evaluation process shall be completed within 60 days of the receipt of a complete application. Department staff shall conduct an evaluation of each application.

- a) Evaluation Criteria - the applications will be evaluated using the following criteria. Technical-Evaluation-Component

- 1) Project Implementation Readiness - the applicant shall demonstrate show that the project is ready for implementation by providing a time schedule for immediate project initiation; and detailed bids/cost cost estimates, which demonstrate cost feasibility of the project.
- 2) Project Impact - the applicant shall demonstrate the a--positive project will have a sustainable economic impact to the tourism industry and local community, county and State consisting--of--an expected--increase--in-tourists-to-the-area--or--ability-to-better serve--or--accommodate--tourists.
- 3) Economic Growth and Job Creation - the applicant/project shall demonstrate the potential for sustainable economic growth and job creation.
- 4) Eligible Match - the applicant/project shall demonstrate the ability to match proposed funding from other non-State sources.
- b) Financial Evaluation Component - the Department shall conduct a financial analysis of the loan application submitted by for-profit companies. The Department shall review the company's financial statements, including the annual balance sheets and profit and loss

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statements for the past three years, as well as the most recent ninety days, and a three year projected balance sheet and profit and loss statement, as well as a one year monthly cash flow statement. A comprehensive business plan or company annual reports may be submitted in lieu of the aforementioned material. This shall be reviewed through a standard credit analysis which will determine the: liquidity and debt coverage for the project; ability of the company to manage debt; business trends; and projected earnings. This data will be compared to similar data for companies in the same industry using the 1988 (no later amendments or editions included) "RMA Annual Statement Studies", published by Robert Morris Associates, P.O. Box 8500, S-1140, Philadelphia, PA 19178, or a comparable source. If such industry is evaluated by this source or a comparable source. This standard credit analysis will determine the financial stability of the company and need for funding.

(Source: Amended at 22 Ill. Reg. 10394, effective JUN 01 1993)

Section 510.185 Leverage

The applicant shall leverage additional financial resources resource for the project over and above funding provided by the Department in an amount not less than 50% of the project's actual expenditures.

- a) Allowable leverage includes:
- 1) Term loan proceeds, bond sale proceeds or other forms of financial institution participation;
  - 2) Other public grant or loan program funds;
  - 3) Use of retained earnings, proceeds of a public stock offering or other cash equity, excluding pre-project officer notes payable, off-balance sheet debt financing and goodwill; and
  - 4) Local hotel/motel tax, membership dues, or other cash contributions.
- b) Unallowable leverage:
- 1) Costs incurred or funds expended prior to date of grant or loan award;
  - 2) Funds from other Department funded programs (although they may be used to further the project);
  - 3) Existing equipment, buildings, furnishings, or inventory, already owned;
  - 4) Lines of credit;
  - 5) Contracts for deed without a due and payable clause or which is an apparent substitution for simple rent;
  - 6) Post project costs such as normal operational expenses;
  - 7) Debt refinancing; and
  - 8) In-kind contributions.

(Source: Amended at 22 Ill. Reg. 10394, effective

Section 510.190 Allocation of Appropriations

- a) Allocation-between-grant-loans---the--allocation-between--grants--and-loans--shall-be-  
1) 40%--of--the--amount--of--the--fiscal--year--appropriation--to--the-Department--shall-be--allocated--to--grants-  
2) 60%--of--the--amount--of--the--fiscal--year--appropriation--to--the-Department--shall-be--allocated--to--loans-

a)b) The allocation between counties shall be:

- 1) 67% of the amount of the fiscal year appropriation to the Department shall be allocated to municipalities, counties, local promotion groups and for-profit businesses not wholly or partially within any county of more than 1 million population.
- 2) 33% of the amount of the fiscal year appropriation to the Department shall be allocated to municipalities, counties, local promotion groups and for-profit businesses wholly or partially within any county of more than 1 million population.

- b)c) The Department reserves the right to reallocate funds by category based on actual need demonstrated during the application cycle.  
d) Feasibility-Studies---No-more-than-10%--of--the--total--amount--allocated-in--a--fiscal--year--for--grants--may--be--used--for--feasibility--studies--and--analyses,--research--and--development--and--management--and--marketing-planning-

(Source: Amended JUN 01 1993 at 22 Ill. Reg. 10393, effective

Section 510.200 Administrative Requirements For Grants

- a) Termination of Grant - Grants shall be terminated for the following reasons:
- 1) Termination due to Loss of Funding - In the absence of State state funding for a fiscal year, all grants for that year will be terminated in full. In the event of a partial loss of State state funding, the Department will make proportionate cuts to all Recipients. In the event the Department suffers such a loss of funding in full or part, the Department will give the Recipient written notice setting forth the effective date of full or partial termination, or if a change in funding is required setting forth the change in funding and changes in the approved budget.

- 2) Termination for Cause  
A) If the Department determines that the Recipient has failed to comply with the terms and conditions of the grant, the Department shall terminate the grant in whole, or in part,



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at any time before the date of completion. Circumstances which will result in the termination of a grant include, but are not necessarily limited to the following: consistent failure to submit required reports; failure to maintain required records; failure to protect inventory; misuse of equipment purchased with grant funds; evidence of fraud and abuse; and consistent failure to meet performance standards. These circumstances are explained in the grant agreement.

B) The Department shall notify the Recipient in writing within 10 working days of the determination to terminate, the reasons for such termination, and the effective date of the termination. Payments made to the Recipient or recoveries by the Department shall be made in accordance with legal rights and liabilities explained in the grant agreement.

3) Termination by Agreement - The Department and the Recipient shall terminate the grant in whole, or in part, when the Department and the Recipient agree that the continuation of the program objectives would not produce beneficial results commensurate with the future expenditure of funds. The Department and the Recipient shall agree upon termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated. The Recipient shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Department shall allow full credit to the Recipient for the Department's share of the noncancellable obligations, properly incurred by the Recipient prior to termination.

b) Interest on Grant Funds - In accordance with Section 10 of the Illinois Grant Funds Recovery Act [30 ILCS 705/10] ~~§§§§-Rev---Stat-1989---ch---127---par-2316~~, all interest earned on funds held by the Recipient under the grant shall become part of the grant when earned. Any interest earned under the grant, and not expended as grant principal during the term of the grant, shall be returned to the Department.

c) Record Retention - The Recipient will, as often as deemed necessary by the Department or the Auditor General of the State of Illinois, permit the Department and the Auditor General or any of their duly authorized representatives to have full access to the right to examine any pertinent books, documents, papers and records of the grantee involving transactions related to a grant under this program for three ~~3~~ years after of the date of submission of the final expenditure report or until the audit findings have been resolved, whichever is later. The Recipient shall include in all contracts under this grant program a provision that the Department or the Auditor General or any of their duly authorized representatives will have full access to and the right to examine any pertinent books, documents, papers and records for any such contractor involving transactions related to the contract for three ~~3~~ years from the final payment under the

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contract. The term "contract" as used in this clause excludes purchase orders not exceeding \$2,500.

d) Grant Close-out - In accordance with Section 4 of the Illinois Grant Funds Recovery Act, all funds remaining at the end of the grant period or at the expiration of the period of time grant funds are available for expenditure or obligation by the Recipient shall be returned to the Department within 45 days. The Recipient agrees to repay the Department for any funds that are determined by the Department to have been spent in violation of the grant agreement.

(Source: Amended at 22 Ill. Reg. 10394, effective NOV 01 1998)

## Section 510.205 Administrative Requirements For Loans and Grants

a) Audits - The Recipient shall be responsible for securing any compliance audit required of grant/loan records. Such audit shall be performed by an independent certified public accountant, licensed by authority of the State of Illinois pursuant to the Illinois Public Accounting Act [225 ILCS 450]. ~~§§§-Rev-Stat-1989-ch-117-par-5509-et-seq~~ The audit shall be conducted in accordance with generally accepted auditing standards adopted by the AICPA (1989).

b) Special Audits - The Department reserves the right to conduct special audits, including but not limited to an agency-wide audit, at any time during normal working hours, of the funds expended under Department grants or loans.

c) Monitoring and Evaluation - Recipients shall permit any agent authorized by the Department, upon presentation of credentials to, in accordance with the constitutional limitation on administrative searches, have full access to and the right to examine any documents, papers, and records of the Recipient involving transactions related to a grant/loan from the Department.

d) Complaint Process - In the event of a Recipient complaint, the Department will follow the procedures outlined in 47 Ill. Adm. Code 10 (Review and Appeal Procedures).

e) Nondiscrimination - The Recipient shall refrain from unlawful discrimination in employment and undertake affirmative action to assure equality of employment opportunity and eliminate the effects of past discrimination in accordance with the Illinois Human Rights Act [75 ILCS 5] ~~§§§-Rev-Stat-1989-ch-68-par-1-161-et-seq~~.

f) Financial Management Standards - The Recipient's financial management system shall be structured under the Accounting Standards of the Financial Accounting Standards Board of the American Institute of Certified Public Accountants (AICPA) September 19, 1987 (no later amendments or editions included) to maintain control and accountability over grant/loan funds.

g) Integration Clause - The grant/loan agreement, with attachments, as written is a full and complete agreement between the parties and there



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are no oral agreements or understandings between the parties that have been reduced to writing herein.

- h) Severability Clause - If any provision under the grant/loan agreement or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or its application of the agreement which can be given effect without the invalid provision of application.
- i) Waivers - A waiver of any condition of the agreement shall be in writing and signed by the Director of the Department or his designee.
- j) State not Liable - Recipients shall save the State of Illinois harmless from any and all claims, demands, and actions based upon or arising out of any services performed by themselves or by their agents or employees under this agreement. The Department by entering into this agreement does not pledge or promise to pledge the assets of the State nor does it promise to pledge the assets of the State nor does it promise to pay any compensation to the grant or loan recipients from any monies of the treasury of the State except such monies as shall be appropriated and paid to the Recipient by the Department.
- k) Indemnity - The Recipient agrees to assume all risks of loss and to indemnify and hold the Department, its officers, agents and employees, harmless from and against any and all liabilities, demands, claims, damages, suits, costs, fees, and expenses, incident thereto, for injuries or death to persons and for loss of, damage to, destruction of property because of the Recipient's negligence, intentional acts or omissions. In the event of any demand or claim, the Department will notify the Recipient in writing. The Department may elect to defend any such demand or claim against the Department and will be entitled to be paid by the Recipient for all damages.
- l) Insurance - The Recipient shall provide Worker's Compensation Insurance or the same as required, and shall accept full responsibility for the payment of Unemployment Insurance, premiums for Worker's Compensation, Social Security, and retirement and health insurance benefits, as well as all income tax deductions and any other taxes or payroll deductions required by law for its employees who are performing services specified by the grant/loan agreement.
- m) Appropriations - Obligations of the Department shall cease immediately without penalty of further payment being required if in any fiscal year the General Assembly fails to appropriate or otherwise make available sufficient funds for the grant/loan agreement.
- n) Certifications - The Recipient shall certify that it is not barred from being awarded a contractor/subcontract under Section 10.1 of the Illinois Purchasing Act [30 ILCS 505/10.1] ~~4111-Rev-Stat-1989-477-1989-132-10-17~~. The Recipient shall certify that it has not been barred from contracting with a unit of State or local government as a result of a violation of 720 ILCS 5/33E-3 and 33E-4 ~~Section-33E-3 or-33E-4-of-the-Criminal-Code-of-1961-4111-Rev-Stat-1989-477-1989-132-10-17~~.
- o) Reports - Recipients shall submit, as required by the Department in

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the Grant Agreement, reports on the financial status of the project and narrative reports on outcomes and results.

(Source: Amended at 22 Ill. Reg. 10394, effective JUN 01 1998)

## SUBPART C: TOURISM PRIVATE SECTOR GRANT PROGRAM

## Section 510.210 Purpose

Section 5 of the Illinois Promotion Act (Act) [20 ILCS 665] authorizes the Department of Commerce and Community Affairs to make grants to match funds from sources in the private sector. The intent of this program is to attract and host regional, national or international events which produce significantly increased an economic impact for the State of Illinois.

(Source: Amended at 22 Ill. Reg. 10394, effective JUN 01 1998)

## Section 510.220 Definitions

"Applicant" means an Illinois for-profit entity, county, municipality or local promotion group.

"Application" means a request for program funds including the required forms and attachments.

"Department" means the Department of Commerce and Community Affairs.

"Economic Impact" means the direct financial result of an event such as visitor attendance (local and out-of-area), number of room nights utilized, and length of stay.

"Event" means a convention, trade show, or major sporting activity.

"Local promotion group" means any non-profit corporation, organization, association, agency or committee thereof formed for the primary purpose of publicizing, promoting, advertising or otherwise encouraging the development of tourism in any municipality, county, or region of Illinois. [20 ILCS 665/3(b)]

"Municipality" means "municipality" as defined in Section 1-1-2 (1) of the Illinois Municipal Code [65 ILCS 5/1-1-2(1)].

"Private Sector" means any non-governmental entity.

"Program" means the Tourism Private Sector Grant Program.

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"Project" means activity or activities funded by the Tourism Private Sector Grant Program.

"Recipient" means an Illinois a Local Promotion Group, For-Profit Entity, county or municipality that has been awarded a Private Sector grant under this part.

(Source: Amended at 22 Ill. Reg. 10394, effective JUN 01 1998)

Section 510.260 Application Cycle

a) The Department shall supply interested entities with an application package upon request.

1) Applications under this program will be accepted on an ongoing basis with grants awarded July 1 through May 1 of each State fiscal year. Applications must be received 60 days prior to the award date must be received by June 1 in order to be considered for the August 1 grant award period. Applications received after this date and prior to December 1 will be considered during the second grant award period of February 1 if funds are still available.

2) Applications received after April 15 will be considered for grants awarded the next State fiscal year. During fiscal year 1994, the application deadline for the first grant cycle will be January 17, 1994. The application deadline for the second grant cycle will be March 15, 1994.

b) Applications will be accepted at the following addresses:

- 1) Illinois Bureau of Tourism, Tourism Private Sector Grant Program, Department of Commerce and Community Affairs, 620 East Adams, Springfield IL 62701; or
- 2) Illinois Bureau of Tourism, Tourism Private Sector Grant Program, Department of Commerce and Community Affairs, James R. Thompson Center, 100 W. Randolph, Suite 3-400, Chicago IL 60601.

c) Applications shall be in writing and on the current approved forms provided by the Department.

d) An application shall be submitted as one (1) original and three (3) copies.

(Source: Amended at 22 Ill. Reg. 10394, effective JUN 01 1998)

Section 510.275 Evaluation Process

The Department shall screen all applications to determine whether all requirements of the application package have been addressed and whether the applicant is eligible for funding. Applicants shall be notified of deficiencies in applications and given an opportunity to correct such

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deficiencies through submission of additional documentation. Fourteen days will be provided to correct such deficiencies. If sufficient documentation is not provided by this time, application will be returned null and void. Department staff shall conduct an evaluation of each application and make recommendations of applications to be considered for funding to an external review committee.

a) The external review committee shall be comprised of the Executive Committee following officers of Visit Illinois, Inc. the Illinois Travel and Tourism Council, Chairman, President, Executive Director, Vice-President/Upstater, Vice-President/Downtown, Vice-President/At Large, Secretary, Treasurer, as well as the Department of Commerce and Community Affairs/Deputy Director of Tourism.

b) The external review committee will review and evaluate the applications recommended by the Department and make recommendations for grant funding to the Finance Committee of the Department of Commerce and Community Affairs for approval or rejection by the Department Director.

(Source: Amended at 22 Ill. Reg. 10394, effective JUN 01 1998)

Section 510.280 Selection for Funding

a) Applicants which best meet the objectives of the program and demonstrate the greatest potential to produce significantly increased economic impact shall receive grant funds until all available funds are expended by the Department.

b) Grant funds will not be used to assist one community in attracting an existing Illinois event from another Illinois community.

c) If multiple Illinois entities apply for costs associated with attracting the same event, no entity will receive grant funds for the attraction of such event. If an Illinois entity is successful in its bid and gets the event, grant funds may be available to that entity for the hosting of such event.

(Source: Amended at 22 Ill. Reg. 10394, effective JUN 01 1998)

Section 510.290 Administrative Requirements for Grants

a) Termination of Grant - Grants shall be terminated for the following reasons:

- 1) Termination Due to Loss of Funding - In the absence of state funding for a fiscal year, all grants for that year will be terminated in full. In the event of a partial loss of state funding, the Department will make proportionate cuts to all Recipients. In the event the Department suffers such a loss of funding in full or part, the Department will give the Recipient written notice setting forth the effective date of full or



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program a provision that the Department or the Auditor General or any of their duly authorized representatives will have full access to and the right to examine any pertinent books, documents, papers and records for any such contractor involving transactions related to the contract for five three--(3) years from the final payment under the contract. The--term--contract--as--used--in--this--clause--excludes purchase-orders-not-exceeding-527500.

- d) Grant Close-out - In accordance with Section 4 of the Illinois Grant Funds Recovery Act, all funds remaining at the end of the grant period or at the expiration of the period of time grant funds are available for expenditure or obligation by the Recipient shall be returned to the Department within 45 days. The Recipient agrees to repay the Department for any funds that are determined by the Department to have been spent in violation of the grant agreement.
- e) Audits - The Recipient shall be responsible for securing any compliance audit required of grant records. Such audit shall be performed by an independent certified public accountant, licensed by authority of the State of Illinois pursuant to the Illinois Public Accounting Act [225 ILCS 450]. The audit shall be conducted in accordance with generally accepted auditing standards adopted by the AICPA (1989).
- f) Special Audits - The Department reserves the right to conduct special audits, including but not limited to an agency-wide audit, at any time during normal working hours, of the funds expended under Department grants.
- g) Monitoring and Evaluation - Recipients shall permit any agent authorized by the Department, upon presentation of credentials, in accordance with the constitutional limitation on administrative searches, to have full access to and the right to examine any documents, papers, and records of the Recipient involving transactions related to a grant from the Department.
- h) Complaint Process - In the event of a Recipient complaint, the Department will follow the procedures outlined in 47 Ill. Adm. Code 10 (Review and Appeal Procedures).
- i) Nondiscrimination - The Recipient shall refrain from unlawful discrimination in employment and undertake affirmative action to assure equality of employment opportunity and eliminate the effects of past discrimination in accordance with the Illinois Human Rights Act [775 ILCS 5].
- j) Financial Management Standards - The Recipient's financial management system shall be structured under the Accounting Standards of the Financial Accounting Standards Board of the American Institute of Certified Public Accountants (AICPA), September 19, 1987 (no later amendments or editions included) to maintain control and accountability over grant funds.
- k) Integration Clause - This agreement constitutes the final and entire agreement between the parties, and supersedes all prior written agreements and any prior or contemporaneous oral understandings

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partial termination, or if a change in funding is required setting forth the change in funding and changes in the approved budget.

- 2) Termination for Cause  
A) If the Department determines that the Recipient has failed to comply with the terms and conditions of the grant, the Department shall terminate the grant in whole, or in part, at any time before the date of completion. Circumstances which will result in the termination of a grant include, but are not necessarily limited to, the following: consistent failure to submit required reports; failure to maintain required records; evidence of fraud and abuse; and consistent failure to meet performance standards. These circumstances are explained in the grant agreement.
- B) The Department shall notify the Recipient in writing within ten (10) working days after the determination to terminate of the reasons for such termination and the effective date of the termination. Payments made to the Recipient or recoveries by the Department shall be made in accordance with legal rights and liabilities in the grant agreement.
- 3) Termination by Agreement - The Department and the Recipient shall terminate the grant in whole, or in part, when the Department and the Recipient agree that the continuation of the program objectives would not produce beneficial results commensurate with the future expenditures of funds. The Department and the Recipient shall agree upon termination conditions, including the effective date and, in the case of partial termination, new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Department shall allow full credit to the Recipient for the Department's share of the noncancelable obligations, properly incurred by the Recipient prior to termination.
- b) Interest on Grant Funds - In accordance with Section 10 of the Illinois Grant Funds Recovery Act [30 ILCS 705/10] all interest earned on funds held by the Recipient under the grant shall become part of the grant when earned. Any interest earned under the grant, and not expended as grant principal during the term of the grant, shall be returned to the Department.
- c) Record Retention - The Recipient will, as often as deemed necessary by the Department or the Auditor General of the State of Illinois, permit the Department and the Auditor General or any of their duly authorized representatives to have full access to and the right to examine any pertinent books, documents, papers and records of the grantee involving transactions related to a grant under this program for five three--(3) years after the date of submission of the final expenditure report or until the audit findings have been resolved, whichever is later. The Recipient shall include in all contracts under this grant



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- regarding the subject matter hereof.
- 1) Severability Clause - If any provision under the grant agreement or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or its application of the agreement which can be given effect without the invalid provision of application.
- m) Waivers - A waiver of any condition of the agreement shall be in writing and signed by the Director of the Department or his designee.
- n) State Not Liable - Recipients shall save the State of Illinois harmless from any and all claims, demands, and actions based upon or arising out of any services performed by recipients or by their agents or employees under this agreement. The Department by entering into this agreement does not pledge or promise to pledge the assets of the State nor does it promise to pay any compensation to the grant recipients from any monies of the treasury of the State except such monies as shall be appropriated and paid to the Recipient by the Department.
- o) Indemnity - The Recipient agrees to assume all risks of loss and to indemnify and hold the Department, its officers, agents and employees, harmless from and against any and all liabilities, demands, claims, damages, suits, costs, fees, and expenses, incidents thereto, for injuries or death to persons and for loss of, damage to, or destruction of property because of the Recipient's negligence, intentional acts or omissions. In the event of any demand or claim, the Department will notify the Recipient in writing. The Department may elect to defend any such demand or claim against the Department and will be entitled to be paid by the Recipient for all damages.
- p) Insurance - The Recipient shall provide Worker's Compensation Insurance or the same as required, and shall accept full responsibility for the payment of Unemployment Insurance, premiums for Worker's Compensation, Social Security, and retirement and health insurance benefits, as well as all income tax deductions and any other taxes or payroll deductions required by law for its employees who are performing services specified by the grant agreement.
- q) Appropriations - Obligations of the Department shall cease immediately without penalty of further payment being required if any fiscal year the General Assembly fails to appropriate or otherwise make available sufficient funds for the grant agreement.
- r) Certifications - The Recipient shall certify that it is not barred from being awarded a contract or subcontract under Section 10.1 of the Illinois Purchasing Act [30 ILCS 505/10.1]. The Recipient shall certify that it has not been barred from contracting with a unit of State or local government as a result of a violation of 720 ILCS 5/33E-3 and 33E-4.
- s) Reports - Recipients shall submit, as required by the Department, reports on the financial status of the project and narrative reports on outcomes and results.

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(Source: Amended JUN 01 1998 22 ILL. Reg. 10394, effective

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Bureau of Tourism  
620 East Adams Street  
Springfield, Illinois 62701  
(217) 785-6355

The full text of the Adopted Amendment begins on the next page:

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1) Heading of the Part: Local Tourism and Convention Bureau Program

2) Code Citation: 14 Ill. Adm. Code 550

3) Section Numbers: Adopted Action:

- 550.10 Amendment
- 550.20 Amendment
- 550.40 Amendment
- 550.50 Amendment
- 550.60 Amendment

4) Statutory Authority: Implemented and authorized 20 ILCS 605/46.6a

5) Effective Date of Rulemaking: June 6, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: June 1, 1998

9) Notice of Proposal Published in Illinois Register: January 9, 1998 (21 Ill Reg 1062)

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This rulemaking revises the program rules for the Local Tourism and Convention Bureau Program to correct references to statutes; to revise procedure for submission of marketing plan and budget approval, therefore eliminating need for approval of individual project requests, and allowing more flexibility by bureaus in carrying out promotional activities while streamlining reporting requirements.

16) Information and questions regarding these adopted amendments shall be directed to:

Sue Fierce, Grants Manager  
Department of Commerce and Community Affairs

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## TITLE 14: COMMERCE

## SUBTITLE C: ECONOMIC DEVELOPMENT

## CHAPTER I: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## PART 550

## LOCAL TOURISM AND CONVENTION BUREAU PROGRAM

Section	Purpose
550.10	Definitions
550.20	Allocation of Appropriations to Grantees
550.30	Eligible Applicants
550.35	Program Requirements
550.40	Administrative Requirements
550.50	Application Process
550.60	

**AUTHORITY:** Implementing Section 46.6a of the Civil Administrative Code of Illinois [20 ILCS 605/46.6a] and Section 8.25 of the State Finance Act [30 ILCS 105/8.25] and authorized by Section 46.20 of the Civil Administrative Code of Illinois [20 ILCS 605/46.20].

**SOURCE:** Adopted at 9 Ill. Reg. 4775, effective April 4, 1985; amended at 12 Ill. Reg. 2226, effective January 19, 1988; amended at 14 Ill. Reg. 5091, effective March 20, 1990; emergency amendment at 14 Ill. Reg. 5565, effective March 28, 1990, for a maximum of 150 days; emergency expired August 25, 1990; amended at 14 Ill. Reg. 18746, effective November 9, 1990; amended at 15 Ill. Reg. 1798, effective January 29, 1991; emergency amendment at 15 Ill. Reg. 10498, effective June 26, 1991, for a maximum of 150 days; emergency expired November 23, 1991; amended at 16 Ill. Reg. 3464, effective February 20, 1992; amended at 16 Ill. Reg. 14628, effective September 14, 1992; amended at 19 Ill. Reg. 1808, effective February 7, 1995; amended at 21 Ill. Reg. 9732, effective July 1, 1998; amended at 22 Ill. Reg. **10425**, effective **JUN 06 1998**.

## Section 550.10 Purpose

Section 46.6a of the Civil Administrative Code of Illinois [20 ILCS 605/46.6a] ~~Public Act 83-1129, effective July 3, 1984 (Ill. Rev. Stat. 1987, ch. 127, par. 46-6a)~~ authorizes the establishment of grants with local tourism and convention bureaus from the Convention and Local Tourism Account in the Tourism Fund. The intent of the program is to generate increased hotel/motel occupancy and travel into and throughout the State of Illinois impacting the economic growth of the trade industry. This Part establishes guidelines for the implementation and administration of the Local Tourism and Convention Bureau Program.

(Source: Amended at 22 Ill. Reg. **10425**, effective **JUN 06 1998**)

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## Section 550.20 Definitions

"Act" - Act means Section 46.6a of the Civil Administrative Code of Illinois [20 ILCS 605/46.6a] ~~that (Ill. Rev. Stat. 1997, ch. 127, par. 46-6a)~~ which establishes a grant program herein referred to as the Local Tourism and Convention Bureau Program.

"Applicant" - Applicant means a certified local tourism and convention bureau.

"Application" - Application means the written request by certified local tourism and convention bureaus for funds authorized by the Act.

"Bureau" - Bureau means local tourism and convention bureau.

"Certified Bureau" - Certified bureau means that local bureau which has been designated by the Department as a grantee entitled to receive funds under the Act in accordance with Section 550.60.

"Contractual Cooperative Promotional Project Agreement" - A contract to provide funds from a local entity to a bureau to cover a portion of the costs for a cooperative promotional project. Such funds shall be deposited in the bureau's local account and expended solely on the promotional project. Funds shall not be refunded to a local entity unless the bureau is unable to comply with the contractual agreement.

"Department" - Department means the Department of Commerce and Community Affairs.

"Department Logo" - Form of recognition as stipulated and supplied by the Department to identify promotional project/product as being produced in whole or in part through grant funds from the Department.

"Director" - Director means the Director of the Department of Commerce and Community Affairs.

"Fiscal Year" - Fiscal Year means July 1 through June 30, the fiscal year of the State of Illinois.

"Fiscal Year Marketing Plan" - Specifies goals, objectives, strategies, anticipated results, and evaluators describing the bureau's planned fiscal year project activities.

"Grant Document" - Grant document means a written and signed contractual document between a local tourism and convention bureau and the Department of Commerce and Community Affairs which includes a description of the activities to be performed, budget, and all terms and conditions of the contract.



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"Grantee" - Grantee means a local tourism and convention bureau receiving Local Tourism and Convention Program funds from the Department.

"In-Kind Contributions" - Donated services, donated space, donated equipment, services of volunteers, services in lieu of cash or any non-monetary item.

"Local Tourism and Convention Bureau (LTCB)" - Local tourism and convention bureau means a not-for-profit organization or public agency which represents and serves one or more municipalities or counties, and whose activities are consistent with the purpose of the Act. The LTCB shall promote tourism and increase hotel-motel revenues and employ a full-time paid professional executive director/chief executive officer that devotes at least 35 hours per week to the development and growth of tourism within the Bureau's region. The LTCB shall be located within any one of the municipalities or counties served.

"Match" - Match means bureaus' local funds that do not include in-kind contributions (see Section 550.50(d)).

"Municipality" - Municipality means a city, village or incorporated town.

"Pass-Through Funds" - Money received by a bureau from a local entity for the sole purpose of paying expenses incurred by that entity and for which there is no financial contribution provided by the bureau to improve the entity's project.

"Population Served" - Population served means the population of the units of local government which the local tourism and convention bureau serves according to the latest certified census figures.

"Program" - Program means the Local Tourism and Convention Bureau Program.

"Project" - Project means administrative and promotional activities which are approved and funded by the Department.

"Project Budget Plan" - Identifies planned project costs utilizing grant and match funds to conduct fiscal year activities described in the Marketing Plan.

"Promotional Projects" - Promotional projects mean activities which are designed to encourage overnight visits or visitors to and through Illinois or attendance at local events in accordance with Section 550.40.

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"Travel/Trade Show" - An exhibit/market place of travel related products and/or services.

"Unit of Local Government" - Unit of Local Government means county(ies), municipality(ies), and township(s) having authority to enact laws and ordinances, administer laws and ordinances, raise taxes or expend funds.

(Source: Amended at 22 Ill. Reg. 10425, effective JUN 06 1998)

## Section 550.40 Program Requirements

- a) Fiscal Year Marketing Plan and Project Budget Plan Approval Criteria
  - 1) A Fiscal Year Marketing Plan and Detailed Budget Plan identifying proposed Aii--projects' expenditures utilizing LTCB grant funds shall be submitted to the Department for review and approval prior to project initiation.
  - 2) When--the--total--cost--for--printed--projects--purchase--of--premium items--or--other--projects--deemed--appropriate--by--the--Department exceeds--\$57,000--a--minimum--of--two--bids--using--identical specifications--shall--accompany--the--project--request.
  - 3) Aii--projects--funded--through--the--grant--program--shall--incorporate the--current--Department--logo--as--approved--by--the--Department--which identifies--the--project--as--being--developed--in--cooperation--with--the BCCA/Bureau--of--Tourism--A--bureau--which--fails--to--include--the Department--identification--shall--reimburse--the--Department--for State--funds--received--in--support--of--the--project.
  - 4) The--date--and--quantity--printed--(e.g.7-791-50/m)--shall--appear--on brochures.
  - 5) The--bureau--shall--bear--sole--responsibility--for--accuracy--of information--contained--within--material--produced--with--grant--funds.
  - 6) Aii--printed--projects--that--are--funded--through--LTCB--grant--funds shall--be--available--on--a--gratis--basis--free--of--charge--to--the public.
  - 7) The--project--review--request--shall--include--the--following information:
    - A) grant--number
    - B) project--number
    - C) bureau--name
    - B) project--title
    - B) description
    - P) vendor--name(s)--description--of--services--to--be--provided--by vendor(s)--and--itemized--costs
    - G) estimated--project--cost--amount--of--LTCB--fund--amount--of local--fund--total--estimated--project--cost
    - H) check--off--list--for--the--following:
      - i) evidence--of--bid--solicitation--when--the--total--cost--for

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printed projects, purchase of premium items, or other projects deemed appropriate by the Department exceeds \$57,000.

iii) mock-ups or samples of projects;

iii) Department logo;

iv) whether project is obtained in EGCB - "fine" item Budget", and

v) review, approval, and sign-off.

8) If the project review request form is complete and is accompanied by the required supporting documentation, including current Department logo, and is determined to be an eligible project, the project will be approved, subject to fund availability.

9) Project costs shall be deducted from future grant payments when bureaus fail three times to submit project review requests for prior approval during the program year.

10) Within 30 days after completion of a project, up to 10% of the brochures printed may be required to be sent to the Department's tourist information centers. The Department reserves the right to request up to 10% of all other items produced with grant funds.

11) Project activities funded under this Part shall not duplicate any project funded by the Department.

2) Salaries and related payroll expenses for the program year shall not exceed half of the total grant funds.

A) 100% sales/promotion staff persons salary may be applied toward half of the total grant.

B) 50% Executive Director's salary may be applied toward half of the total grant.

3) Bureaus are prohibited from hiring any immediate family member of staff or immediate family member of a board member who is involved in the hiring decision of staff, if grant or match funds are utilized. Immediate family members shall include a spouse, mother, father, daughter, and son.

## b) Promotional Projects

1) When the total cost for printed projects, purchases of premium items, or other projects deemed appropriate by the Department exceeds \$5,000, a minimum of two bids using identical specifications shall be acquired and retained by the bureau for review by the Department.

2) All projects funded through the grant program shall incorporate the current Department logo, as approved by the Department, which identifies the project as being developed in cooperation with the DCCA Bureau of Tourism. A bureau that fails to include the Department identification shall reimburse the Department for State funds received in support of the project.

3) The date and quantity printed (e.g., 7/97-50/m) shall appear on brochures.

4) The bureau shall bear sole responsibility for accuracy of

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information contained within material produced with grant funds. All printed projects that are funded through LTRB grant funds shall be available on a gratis basis - free of charge - to the public.

6) Within 30 days after completion of a printing project, up to 10% of the brochures printed may be required to be sent to the Department's tourist information centers. The Department reserves the right to request up to 10% of all other items produced with grant funds.

7) Project activities funded under this Part shall not duplicate any project funded by the Department.

8) Examples of eligible promotional projects include, but are not limited to:

- A) Brochures;
  - B) Travel/trade show booth space rental, purchase of booth, registration fees, and/or travel expenses (transportation, lodging, per diem at State rate) for a maximum of 2 staff. Justification is required shall accompany requests for additional people to attend;
  - C) Sponsorship of familiarization tours;
  - D) Placement and production costs of newspaper, magazine, radio, or television advertising to promote travel. Advertising shall be placed outside a 100-mile radius of the attraction, event or area being promoted unless a major market (e.g., Chicago, St. Louis) falls within the 100-mile radius;
  - E) Membership dues for travel related associations or organizations;
  - F) Billboards;
  - G) Premiums/specialty items for promotional purposes with Department recognition (see subsection (b)(2));
  - H) Production of videos for use in familiarization or travel/trade industry;
  - I) Salaries (see subsection (a)(2) of this Section);
  - J) Posters and flyers distributed outside of service area;
  - K) Projects distributed locally, if the bureau can demonstrate the project's ability to increase overnight stays in the service area;
  - L) Marketing research studies; and
  - M) "800" telephone lines for information; and
  - N) Internet Websites.
- 9) Examples of projects ineligible for grant promotional funding include, but are not limited to:
- A) Any administrative expenses (xeroxing, postage, insurance, audits, accounting services, phone, rent, supplies, or equipment);
  - B) Purchase of any alcoholic beverage;
  - C) Feasibility studies; and

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- applicable fiscal year;  
C) be expended during the applicable grant award period;  
D) be supported by records of deposit and documentation of expenditures;  
E) be expended by the bureau from funds in bureau accounts solely for the administration of the bureau and tourism promotion of their service area as a destination for overnight visitors; and  
F) not be refunded to any local source of match and still qualify as match.
- 2) Sources of Eligible Match: The following monies, when received through a bureau's budget, may be used as match for State grant funds:  
A) Local hotel/motel taxes,  
B) membership dues,  
C) interest on local monies,  
D) cash contributions, and  
E) federal dollars deposited directly to the grantee for tourism promotional purposes which do not require a match.
- 3) Ineligible Match:  
A) In-kind contributions such as donated services, donated space, donated equipment, services of volunteers, services in lieu of cash, or any non-monetary item;  
B) State or federal funds other than those allowed in subsection (d)(2)(E) above;  
C) Monies used as match for other State or federal grants;  
D) Penalties, fines, late payment fees, or interest charges; and  
E) Pass-through accounts.
- e) Method of Compensation: Payments pursuant to a grant shall be subject to the availability of funds appropriated by the General Assembly.  
1) The bureau shall receive grant funds, as stipulated in the grant document, upon approval of its application by the Department and the signature of the grant document by the Executive Director of the bureau and by the Department.  
2) Prior to funds being awarded, a bureau shall employ a full-time paid, professional Executive Director, devoting at least 35 hours per week to the development and growth of tourism within a bureau's region.
- f) Reporting Requirements: The penalty for failure to comply with the timely submission of financial and programmatic reports (described in subsections (f)(1) and 7 (2)-and-73) below) shall be the withholding of subsequent monthly grant checks until all required reports are filed. The Department reserves the right to request additional information to clarify or document information on financial, programmatic, or personnel activities outlined in the reports.  
1) Financial Reporting - Quarterly financial status reports, as required by the Department, shall be due no later than the 30th

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- D) Salaries of administrative or support staff.  
c) Administrative Projects Activities  
1) Examples of projects activities eligible for grant administrative funding including, but are not limited to:  
A) Any administrative expenses (xeroxing, postage, insurance, audits, accounting services, phone, rent, supplies, or equipment lease/rental); and  
B) Salaries of administrative or support staff (see subsection (a)(2) of this Section).
- 2) Examples of projects activities ineligible for grant administrative funding include, but are not limited to:  
A) Lease/purchase agreements for any items;  
B) Purchase of equipment;  
C) Purchase of any alcoholic beverage;  
D) Feasibility studies; and  
E) Penalties, fines, late payment fees, service or interest charges.
- d) All project activities shall be subject to prior approval as stated under subsection (a) of this Section.
- (Source: Amended at 22 Ill. Reg. 10425, effective JUN 06 1998)

Section 550.50 Administrative Requirements

- a) Grant Limitation: No bureau shall receive a grant for funds allocated in accordance with Section 550.30(b) in excess of \$600,000 per fiscal year based upon the 1998 fiscal appropriation to the Department. Each fiscal year thereafter, such cap shall be raised or lowered by a percentage in direct proportion to the percentage of rise or fall of the Department's fiscal appropriation to this program, using the State fiscal year 1998 appropriation as its base year. A bureau may contact the Department for information regarding the amount of funds it is eligible to receive in accordance with Section 550.30.
- b) Administrative Costs: Administrative costs shall be limited to not more than 10% of the grant funds awarded (see Section 550.40(c)).
- c) Promotional Costs: Promotional costs shall be limited to not less than 90% of the grant funds awarded (see Section 550.40(b)).
- d) Matching Funds: Each bureau shall provide a dollar-for-dollar match for funds received under this program. Match expenditures shall equal or exceed grant funds expended, as well as any interest earned on grant funds which is also expended. Bureaus must receive prior Department approval (see Section 550.40(a)) on contractual cooperative promotional project agreements used to satisfy match requirements. In-kind contributions shall not be used to satisfy match requirements.
- 1) Local match shall:  
A) be under the control of the bureau;  
B) be identified in the bureau's grant application for the



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day of October, January, April and July and a lapse report shall be due September 15. The quarterly and lapse financial reports shall specify the grant number, grantee name, grant period, report period, bureau director's name/signature, and date. Additionally, the quarterly and lapse financial reports shall contain the following information which must be broken down between programmatic costs (to be at least 90% of grant total awarded), administrative costs (not to exceed 10% of grant total awarded), and match costs:

- A) Expenditure line item breakout for State promotional costs indicating applicable report period which includes check number(s), project number(s), payee(s), description of purchase(s)/service(s), amount of each check, and total promotional grant cost(s) expended for the report period.
- B) Expenditure line item breakout for State administrative costs indicating applicable report period which includes check number(s), project number(s), payee(s), description of purchase(s)/service(s), amount of each check, and total administrative grant cost(s) expended for the report period.
- C) Expenditure line item breakout for match costs indicating applicable report period which includes check number(s), payee(s), description of purchase(s)/service(s), amount of each check, and total administrative grant cost(s) expended for the report period.
- D) Expenditure summary which includes vendor name(s), description(s) of services/actual cost(s), cancelled check number(s), and total(s) for all actual cost(s) listed.
- E) Reimbursement summary indicating report period which includes check number(s), payee(s), description of purchase(s)/service(s), amount of each check, and total match cost(s) expended.
- F) Personnel activity information for personnel paid with EWB grant funds which include bureau name, grant number, employee name, payroll title, and signature, time period covered, supervisor's signature as approval, employee monthly rate, percent of time spent on each activity, percent of time paid from EWB grant funds and from local funds, description of activity (if job description is not on file in the Illinois Bureau of Tourism Office).
- G) Travel Expenditure Summary which includes applicable report period, traveler's name, and signature, project number, and title, dates of travel, destination(s), and allowable expenses (see subsection (h) of this Section).

- 2) Programmatic Reporting - Final programmatic reports shall be due September 15 for grant funds. Bureau name, grant period, grant number, and date submitted shall be specified. A comparison of results of promotional activities for the program year to those projected in grantee's Fiscal Year Marketing Plan

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and Project Budget Plan as submitted in the application must be provided, consisting of a brief narrative as to how the bureau's service area was benefited from these expenditures. Activity for LTCB-funded projects shall be broken down by Marketing Plan and Budget Category (i.e., Meeting and Convention Market, Motorcoach and Group Tour Market, etc.). Project type as follows:

- A) Meeting and Convention Market  
B) Motorcoach and Group Tour Market  
C) Festival/Special Events  
D) Consumer/Leisure Market  
E) Miscellaneous Projects

- g) Financial Management Standards: A bureau's financial management systems shall be structured under the Accounting Standards of the Financial Accounting Standards Board of the American Institute of Certified Public Accountants (AICPA) (1211 Avenue of the Americas, New York, N.Y. 10036-8775) September 19, 1987 with no later amendments or editions. The bureau shall be accountable for all funds received under this program. The bureau shall maintain effective control and accountability over all funds, property, and other assets under the grant as required by the Department. The bureau shall keep records which detail the expenditures of grant and match funds and accurately document such expenditures.

- h) Travel Expenses: Costs in accordance with the latest State of Illinois Department of Central Management Services Travel Regulations (80 Ill. Adm. Code 2800) shall be allowable for expenses of transportation, lodging, per diem, and related items incurred by employees who are in travel status for official business outside the bureau's service area. The bureau shall retain receipts as source documentation for travel expenses of its employees. The bureau shall also submit to the Department a completed report for travel expenses with the quarterly reports.

- i) Monitoring: The Department shall on-site monitor each bureau funded under this program periodically by visits throughout the period covered under the grant agreement. The Department will notify the bureau at least two working days in advance of monitoring visits. The bureau's internal procedures, financial reporting, and program shall be evaluated for compliance with terms and conditions of the grant document. The Department reserves the right to request additional information prior to, during, or subsequent to monitoring visits.

- j) Interest on Grant Funds: All interest earned on LTCB grant funds held by the bureau under the grant shall be spent on promotional projects approved by the Department or returned to the Department at the end of the grant period.

- k) Obligation of Grant Funds: All grant funds shall be obligated with respective vendor(s) prior to June 30 of the current fiscal year. Any grant funds not obligated (unobligated funds) shall be refunded to the Department by October 15. In addition, the bureau shall repay the Department for any funds that are determined by the Department through

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- monitoring (subsection (1) of this Section) and audit (subsection (1) of this Section) to have been spent in violation of the grant document. All obligations shall be expended on or before August 31.
- 1) Audits: The bureau shall conduct an audit of all grant and match program records which reflect the actual activities conducted and the actual costs and expenses incurred by the bureau using an independent certified public accountant, licensed by authority of the State of Illinois. The audit shall be conducted in accordance with generally accepted auditing standards adopted by the Codification of Statements on Auditing Standards (January 1983) of the AICPA and shall be submitted to the Department as specified in the Grant Agreement within twelve months after the end of the grantee's fiscal year. Any bureau determined to have misused program funds by fraud as a result of an audit shall be ineligible to apply for and receive funds under this program for a period not to exceed two years. The Department shall reserve the right to perform special audits of these funds during normal working hours.
- m) Nondiscrimination: Bureaus shall refrain from unlawful discrimination in employment and will undertake affirmative action to assure equality of employment opportunity and eliminate the effects of past discrimination in accordance with the Illinois Human Rights Act [775 ILCS 5]; Section 504 and the equal opportunity clause promulgated thereto of the Rehabilitation Act of 1973, as amended, 29 U.S.C. 794 (1994); The Age Discrimination Act of 1975, 42 U.S.C. 6101 et seq. (1994); and Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 1981 et seq. (1994).
- n) Complaint Process: In the case of a grantee complaint, the Department shall follow the procedures outlined in 47 Ill. Adm. Code 10 (Review and Appeal Procedures).
- o) Bids Solicitation: When the total cost for printed projects, purchase of premium items, or other projects deemed appropriate by the Department exceeds \$5,000, a minimum of two bids using identical specifications shall be acquired by the Bureau accompany the project request. Evidence of compliance with this subsection (i.e., copies of at least two bid proposals) shall be retained by the Bureau for review by the Department submitted with project approval request. For any purchasing and/or printing costs where the lowest bid is not accepted, justification documentation (e.g., project specifications and quality requirements) must be documented shall be--submitted--with project approval request.
- p) Bid Rigging/Rotating: Bureaus shall certify that they have not been barred from bidding on or receiving State contracts as a result of illegal bid rigging or bid rotating as defined in Sections 33E-3 and 33E-4 of the Criminal Code of 1961 [720 ILCS 5/33E-3 and 33E-4].
- q) Separate Account: A separate bank account shall be established for the purpose of this program. Two authorizing signatures shall be required for the account. Only grant funds received under this program shall be deposited in this account unless local funds are

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- deposited in the account to maintain a minimum balance to avoid finance charges.
- r) Suspension and Termination:
- 1) If a bureau has failed to comply with the terms and conditions of the grant document, the Department shall suspend the grant and withhold further payments until the grant is terminated, or the bureau has achieved compliance. The Department will determine that a bureau has failed to comply with the terms and conditions of a grant when:
- A) The bureau has been notified in writing of the existence of circumstances which the Department considers to be inconsistent with the terms and conditions of the grant (e.g., consistent failure to submit required reports or evidence of fraud and abuse); and
- B) The bureau fails to develop, submit, and implement a corrective action plan within 45 days after the Department's notice.
- 2) A grant shall be terminated in the absence of full State funding; if the Department determines that the bureau has failed to comply with the terms and conditions of the grant in whole or in part; or if the Department and the bureau agree to terminate the grant.
- s) Reallocation of Funds: The grantee shall be required to identify that amount of its grant funds which will not be fully obligated by the end of the fiscal year, on or before May 1 of the current fiscal year. The grant document shall be decreased by the specified amount and such funds shall be reallocated by the Department to grantees who apply for (see application procedures specified in Section 550.60(d)) and can utilize available funds by the end of the fiscal year for new promotional projects.
- t) Bribery: The bureau's executive director/chief executive officer certifies to the best of his/her knowledge that no official, agent, or employee of the grantee has been convicted of bribery or attempting to bribe an officer or employee of the State of Illinois, nor has any such officer, agent, or employee made an admission of guilt of such conduct which is a matter of record.
- u) Conflict of Interest:
- 1) The bureau shall certify that no person who in any manner governs, advises, consults with, is employed by, is an officer of, or is an elected or appointed official of the bureau, or any governing board or entity of the bureau, nor any husband, wife, or minor child of that person, shall be in any manner interested, either directly or indirectly, in any contract or work awarded by the bureau unless the following requirements are met:
- A) The bureau notifies the Department, in writing, of the nature of the conflict of interest and receives written notification of approval from the Department to proceed with the process of bidding or letting of the contract. The Department shall approve if the bureau demonstrates that the



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best interest of the State outweighs the conflict of interest at issue; and

- B) The bureau discloses, for the record, the existence of the conflict of interest at any meeting held to consider the acceptance of bids or letting of contracts; the interested person abstains from discussing, voting on, or influencing the acceptance of bids or letting of contracts, and removes himself or herself from the meeting room during the time the bids or contracts are discussed and voted upon.

- 2) Violations of this provision shall result in suspension or revocation of the grant, or both, and reimbursement to the Department by the bureau of grant funds. Violators shall also be criminally liable under other applicable State laws and subject to actions up to and including felony prosecution.

(Source: ~~Amended~~ 22 Ill. Reg. 10425, effective JUN 08 1988)

## Section 50.60 Application Process

- a) The application procedure consists of a three-step process:
- 1) Public notification by the Department of the amount of funds available for the LTCB program.
  - 2) A request for certification.
  - 3) An application for grant funds.
- b) Each year on or about January 1, the Department shall publish, three separate times, with the first and last notification 10 days apart, in the official state newspaper, a notification which includes the following:
- 1) Availability Amount of funds available under the LTCB program as of July 1.
  - 2) That applicants must contact the Department to obtain criteria for certification under the Act.
  - 3) That applicants must submit a request by March 31 for certification by the Department as the entity entitled to receive those funds under the Act.

## c) Certification

- 1) Any applicant seeking certification as a local tourism and convention bureau who has previously been certified through the Local Tourism and Convention Bureau Program shall be recertified each year by the Department.

A) An applicant shall meet the following eligibility criteria in order to be considered for certification:

- i) Have been a bureau in legal existence as of January 1, 1985, either as a unit of local government or incorporated as a not-for-profit corporation or organization (as evidenced by dated promotional materials which document that the applicant was

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conducting tourism promotional activities prior to January 1, 1985);

- ii) Represent one or more municipality(ies), municipality(ies) or county(ies) counties which must be contiguous to one another; and

- iii) Employ one full-time paid professional executive director/chief executive officer that devotes all time to development and growth of tourism within the bureau's region.

B) An eligible applicant shall submit the following material to be considered for certification:

- i) a request for certification;
- ii) articles of incorporation as a not-for-profit corporation organized prior to January 1, 1985, under the applicable incorporation laws during the aforementioned dates, i.e., the General Not-For-Profit Corporation Act (330 Rev. Stat., 1991, ch. 32, par. 163a-1 et seq.); repeated by [805 ILCS 105] / 117-05, or a statement/resolution signed by the head of the unit(s) of local government which the bureau represents;
- iii) a statement that it employs a full-time paid professional executive director/chief executive officer that devotes all time to development and growth of tourism within the bureau's region, prior to receiving State grant funds;
- iv) a statement listing the city(ies), town(s) or county(ies) in its service area, including a current letter from the governing body(ies) bodies of this these entity(ies) entities;
- v) a complete listing of hotels hotel/motels collecting the State's hotel/motel tax (including addresses and telephone numbers) within its service area and the number of rooms/units in each; and
- vi) a certified statement by the applicant's fiscal officer, accountant, or treasurer of local funds in the applicant's budget received in the fiscal year prior to certification which can be used for match for the State grant.

- 2) Any applicant seeking certification as a local tourism and convention bureau who has not previously been certified through the Local Tourism and Convention Bureau Program shall be certified by the Department when meeting all the following criteria:

A) In order to be considered for certification, an applicant shall meet the eligibility criteria specified in subsections (c)(1)(A)(i) through (iii). Additionally, in order to be eligible, their service area shall contain at least 500



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- A) When a single local bureau seeks certification and has submitted all documentation required in subsections (c)(1) and (2) of this Section, and such documentation meets the approval of the Department, such bureau shall be certified by the Department and the Department shall send notification of certification, amount of potential funds available in the respective service area, and an application for grant funds. B) When more than one local bureau seeks certification for the identical service area, with the exception of cities with a population greater than 500,000, the Department shall send each a request for proposal (RFP). Proposals shall require the following information which shall be given equal weight in the evaluation of each proposal:
- bureau's background, organization, experience and staff qualifications;
  - a detailed marketing plan which includes such items as a description of activities contemplated by the bureau, objectives (long and short-term), methodology used to measure program effectiveness, intended audience, distribution targets for promotional materials, and projected economic impact and benefit to tourism; and
  - any marketing or feasibility studies in support of the plan.
- C) Within fifteen (15) days after receipt of the RFPs, the Department shall notify in writing each local bureau of certification determinations.
- The Department shall send written notification of certification, amount of potential funds available in the respective service area, and an application for grant funds to the certified bureau, and notify all other applicants of the determination.
  - A bureau which is not certified shall have the right to appeal the Department's certification decision to the Director within ten (10) calendar days after receipt of such notice. The request for review shall be submitted in writing to the Department and shall contain the reasons for appeal and any additional tourism related information the applicant chooses to submit in support of their appeal. The Director shall render a decision no later than fifteen (15) calendar days thereafter. The Director shall make his determination based upon his review of the information required by subsection (c)(3)(B) of this Section and any additional material submitted by the applicant with their appeal.
- d) Application by Certified Bureaus for Funds Under the Act:
- All certified bureaus shall complete an application for funding.

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

- hotel/motel rooms eligible to collect the State's state's hotel motel tax.
- B) An eligible applicant shall submit the following material to be considered eligible for certification:
- a request for certification;
  - a statement including a description of its history, describing previous efforts to further the growth of the State's travel industry as evidenced by documentation of previous promotional activities prior to January 1, 1985 (e.g., brochures or pamphlets used to encourage visits or visitors to and through Illinois);
  - a statement that it employs a full-time paid, professional executive director/chief executive officer who devotes all time to development and growth of tourism within the bureau's region prior to receiving State grant funds. This shall include a summarization of his or her tourism related experience and a synopsis of his or her duties;
  - articles of incorporation as a not-for-profit corporation organized prior to January 1, 1985, under the applicable incorporation laws during the aforementioned dates, i.e., the General Not-for-Profit Corporation Act (411-Rev-Stat-19917-ch--327--para-133a-et-seq--repealed-by [805 ILCS 105] / 117-05, or a statement/resolution signed by the head of the unit(s) of local government which the bureau represents;
  - a statement listing the city(ies), town(s) or county(ies) in its service area, including a current resolution from the governing bodies of these entities;
  - a complete listing of hotels/motels collecting the state's hotel/motel tax (including address and telephone numbers) within its service area and the number of rooms/units in each;
  - a certified statement by the applicant's fiscal officer, accountant, or treasurer of local funds in the applicant's budget received in the fiscal year prior to certification which can be used for match for the State grant; and
  - documentation showing unsatisfactory representation if the proposed area of the new bureau is currently represented by an existing bureau.
- 3) Within sixty (60) days after receipt deadline of all requests for certification under subsection (b), the Department shall send a notice to each applicant seeking certification, informing the applicant of its status.

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF ADOPTED AMENDMENTS

The bureau shall retain one copy and submit three copies of the application to the Manager of the Local Tourism and Convention Bureau Program. Failure to provide any information requested in the application shall result in the application not being processed. A certified bureau's application for funding under the Local Tourism and Convention Bureau Program shall include the following information:

- A) Full-time local bureau executive director's name, salary, and length of employment with bureau.
- B) A Fiscal Year Marketing Plan marketing-plan and Program Budget Plan detailing all activities to be initiated and funded through the LCTB grant during the fiscal year.
- C) Area to be served such as municipality(ies), county(ies), etc.
- D) Itemized budget for activities proposed for funding under LCTB monies only.
- E) Local operating budget based on state fiscal year. Match
- F) Only-match funds shall be reflected on this form.
- G) Name of the financial institution that serves as the depositor for LCTB grant funds.
- H) Fund account number for LCTB grant funds.
- I) Names, titles, and sample signatures for those persons who will be required to authorize all account transactions, with a minimum of two required.

- 2) Upon receipt of applications from certified bureaus the Department shall review the applications and:
  - A) grant the full amount requested, or
  - B) ask for additional information to clarify or document the information contained in the application, and/or
  - C) reduce the amount of funds requested if there are not sufficient funds available to match the full amount, or the projects presented in the marketing plan do not focus on important tourism promotional activities and have little substance, i.e., no media promotions planned, no promotional materials being developed, the projects are not reasonable and are not consistent and workable and the applicant cannot effectively carry out the projects. In the event that funding of a grant request is lowered, the bureau(s) shall be entitled to appeal to the Director of the Department within 10 days. The request for review shall be submitted in writing to the Director and shall contain the reasons for appeal and any additional tourism related information the bureau chooses to submit in support of their appeal. The Director shall make his decision based upon the criteria previously specified in this subsection and any additional material submitted by the bureau with their appeal. The Department shall notify these bureaus in writing of its decision within 15 days after receipt of their appeal.

## DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 22 Ill. Reg. 10425, effective JUN 06 1988)

DEPARTMENT OF HUMAN SERVICES  
NOTICE OF ADOPTED AMENDMENTS

Springfield, Illinois 62762  
Telephone number: (217) 785-9772  
TTY: (217) 557-1547

The full text of Adopted Amendments begins on the next page:

DEPARTMENT OF HUMAN SERVICES  
NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Determination of Need (DON) and Resulting Service Cost Maximums (SCMs)
- 2) Code Citation: 89 Ill. Adm. Code 679
- 3) Section Numbers: Adopted Action:  
679.50 Amended
- 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].
- 5) Effective Date of Amendments: May 29, 1998
- 6) Do these amendments contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: May 29, 1998
- 9) Notice of Proposal Published in Illinois Register:  
Jan. 23, 1998, 22 Ill. Reg. 2068  
(issue date)

- 10) Has JCAR Issued a Statement of Objections to these Adopted Amendments? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace Emergency Amendments currently in effect?  
Yes
- 14) Are there any amendments pending on this Part: No
- 15) Summary and Purpose of Rule(s): The Service Costs Maximums are being increased by 3% per the State Fiscal Year 1998 appropriation. The ratio was increased for both individuals served by the HSP Medicaid Waiver 650.50(b) and the AIDS waiver 650.50(c).
- 16) Information and answers to questions regarding this adopted rule shall be directed to:

Ms. Susan Weir, Bureau Chief  
Bureau of Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor, Harris Bldg.



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
SUBCHAPTER d: HOME SERVICES PROGRAM

DETERMINATION OF NEED (DON) AND RESULTING SERVICE COST MAXIMUMS (SCMs)  
PART 679

Section	General Provisions
679.10	Composition of the DON
679.20	Scoring of the DON Except for Respite Cases
679.30	Scoring the DON for Respite Cases
679.40	Service Cost Maximums (SCMs)

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3].

SOURCE: Adopted at 19 Ill. Reg. 5062, effective March 21, 1995; amended at 20 Ill. Reg. 6303, effective April 18, 1996; amended at 21 Ill. Reg. 2674, effective February 7, 1997; emergency amendment at 22 Ill. Reg. 2328, effective January 12, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 10445, effective MAY 29 1998.

## Section 679.50 Service Cost Maximums (SCMs)

- a) For each individual meeting the minimum required DON scores for eligibility (see 89 Ill. Adm. Code 682), there is a corresponding Service Cost Maximum (SCM) for his/her DON score which is the maximum amount that may be expended for services through HSP for an individual who chooses HSP services over institutionalization. This amount is directly correspondent to the amount the State would expect to pay for nursing care component of institutionalization if the individual chose institutionalization.
- b) The As-of-July-17-1996-the SCMs for individuals served under the HSP Medicaid Waiver are:

Total DON Score	SCM
29 through 32	\$ 711690
33 through 40	887861
41 through 49	986957
50 through 59	11807746
60 through 69	138717347
70 through 79	150017456
80 through 100	161317566

- c) The As-of-July-17-1996-the SCMs for individuals served under the AIDS Medicaid Waiver are:

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF ADOPTED AMENDMENTS

Total DON Score	SCM
29 through 32	\$ 993964
33 through 40	148917446
41 through 49	198617920
50 through 59	248227410
60 through 69	297927892
70 through 79	347537374
80 through 100	397237856

- d) The SCM for individuals served through the Medicaid Waiver for Ventilator Assisted Individuals shall be no higher than the comparable institutionalized cost of care for the individual, less the costs for equipment and supplies.

- e) The SCM for an individual may be exceeded on a monthly basis to meet a temporary increase in need for services as long as the average monthly cost for services during the twelve month period does not exceed the SCM. Such an increase in services shall not last more than 3 months.

(Source: Amended at 22 Ill. Reg. 10445, effective MAY 29 1998)

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENT

- 15) Summary and Purpose of Rulemaking: The rulemaking is required by Section 13 of the Riverboat Gambling Act [230 ILCS 10/13], which was amended in Section 10-25 of "An Act relating to education, amending named Acts," approved December 4, 1997 (Public Act 90-548). The new amendatory law changed the flat 20% wagering tax rate on adjusted gross receipts (also known as "gaming win") of riverboat casinos. The rulemaking incorporates the newly imposed graduated tax rates and specifies they are calculated based on the calendar year. The rulemaking also provides that adjustments to the daily tax schedule for gaming days that began prior to January 1, 1998, are taxed at the 20% flat rate then in effect, while adjustments applicable to gaming days beginning on or after that date are subject to the rate in effect on the day the adjustment is made. The rulemaking also reflects the fact that P.A. 90-548 changed payment to local governments of the local share of wagering taxes to monthly from quarterly, but did not change the quarterly cycle for payment of the local share of admission taxes under Section 12 of the Riverboat Gambling Act [230 ILCS 10/12]. Provisions relating to the daily tax schedules have been incorporated into rule, including the grounds and procedures for waiver of penalty and interest for late filing of the required daily tax schedules and payments.

- 16) Information and questions regarding this Adopted Amendment shall be directed to:

Mareille' B. Cusack  
Chief Counsel  
Illinois Gaming Board  
160 N. LaSalle, Suite 300S  
Chicago, Illinois 60601  
(312) 814-4700  
FAX (312) 814-8798

The full text of the Adopted Amendment begins on the next page:

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Riverboat Gambling
- 2) Code Citation: 86 Ill. Adm. Code 3000
- 3) Section Number: Adopted Action:  
3000.1071 Amendment
- 4) Statutory Authority: Riverboat Gambling Act [230 ILCS 10]
- 5) Effective Date of Rulemaking: May 27, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: May 27, 1998
- 9) Notice of Proposal Published in Illinois Register: January 2, 1998
- 10) Has JCAR issued a Statement of Objection to this rule? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made and indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? Yes
- 14) Are there any amendments pending on this Part? Yes

Section Number	Proposed Action	Illinois Register Citation
3000.100	Amend	22 Ill. Reg. 7097; April 24, 1998
3000.100	Amend	22 Ill. Reg. 9113; May 29, 1998
3000.105	New	22 Ill. Reg. 7097; April 24, 1998
3000.200	Amend	22 Ill. Reg. 7097; April 24, 1998
3000.210	Amend	22 Ill. Reg. 7097; April 24, 1998
3000.220	Amend	22 Ill. Reg. 9113; May 29, 1998
3000.222	New	22 Ill. Reg. 9113; May 29, 1998
3000.223	New	22 Ill. Reg. 9113; May 29, 1998
3000.224	New	22 Ill. Reg. 9113; May 29, 1998
3000.225	New	22 Ill. Reg. 9113; May 29, 1998
3000.236	Amend	22 Ill. Reg. 9113; May 29, 1998
3000.241	Amend	22 Ill. Reg. 7097; April 24, 1998
3000.245	Amend	22 Ill. Reg. 7097; April 24, 1998
3000.660	Amend	22 Ill. Reg. 7097; April 24, 1998
3000.800	Amend	22 Ill. Reg. 7097; April 24, 1998

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENT

TITLE 86: REVENUE  
CHAPTER IV: ILLINOIS GAMING BOARD

PART 3000  
RIVERBOAT GAMBLING

SUBPART A: GENERAL PROVISIONS

Section	Definitions
3000.100	Invalidity
3000.101	Public Inquiries
3000.103	Organization of the Illinois Gaming Board
3000.104	Rulemaking Procedures
3000.110	Disciplinary Actions
3000.115	Records Retention
3000.120	Place to Submit Materials
3000.130	No Opinion or Approval of the Board
3000.140	Duty to Disclose Changes in Information
3000.141	Applicant/Licensee Disclosure of Agents
3000.150	Owner's and Supplier's Duty to Investigate
3000.155	Investigatory Proceedings
3000.160	Duty to Report Misconduct
3000.161	Communication with Other Agencies
3000.165	Participation in Games by Owners, Directors, Officers, Key Persons or Gaming Employees
3000.170	Fair Market Value of Contracts
3000.180	Weapons on Riverboat

SUBPART B: LICENSES

Section	Classification of Licenses
3000.200	Fees and Bonds
3000.220	Applications
3000.221	Other Required Forms
3000.230	Owner's Licenses
3000.231	Distributions
3000.234	Acquisition of Ownership Interest By Institutional Investors
3000.235	Transferability
3000.236	Owner's License Renewal
3000.240	Supplier's Licenses
3000.241	Renewal of Supplier's License
3000.242	Amendment to Supplier's Product List
3000.243	Bankruptcy or Change in Ownership of Supplier
3000.245	Occupational Licenses
3000.250	Transferability of Licenses
3000.260	Waiver of Requirements

ILLINOIS GAMING BOARD

NOTICE OF ADOPTED AMENDMENT

3000.270	Certification and Registration of Electronic Gaming Devices
3000.271	Analysis of Questioned Electronic Gaming Devices
3000.280	Registration of All Gaming Devices
3000.281	Transfer of Registration (Repealed)
3000.282	Seizure of Gaming Devices (Repealed)
3000.283	Analysis of Questioned Electronic Gaming Devices (Repealed)
3000.284	Disposal of Gaming Devices

SUBPART C: OWNER'S INTERNAL CONTROL SYSTEM

Section	General Requirements - Internal Control System
3000.300	Approval of Internal Control System
3000.310	Minimum Standards for Internal Control Systems
3000.320	Review of Procedures (Repealed)
3000.330	Operating Procedures (Repealed)
3000.340	Modifications (Repealed)
3000.350	

SUBPART D: HEARINGS ON NOTICE OF DENIAL, RESTRICTION OF LICENSE OR PLACEMENT ON EXCLUSION LIST

Section	Coverage of Subpart
3000.400	Requests for Hearings
3000.405	Appearances
3000.410	Discovery
3000.415	Motions for Summary Judgment
3000.420	Subpoena of Witnesses
3000.424	Proceedings
3000.425	Evidence
3000.430	Prohibition on Ex Parte Communication
3000.431	Sanctions and Penalties
3000.435	Transmittal of Record and Recommendation to the Board
3000.440	Status of Applicant for License or Transfer Upon Filing Request for Hearing
3000.445	

SUBPART E: EXCURSIONS

Section	Time of Excursion
3000.500	Excursions During Cancelled or Disrupted Cruises; Violations and Fines
3000.510	

SUBPART F: CONDUCT OF GAMING

Section	Wagering Only with Approved Chips, Tokens and Electronic Cards
3000.600	Disposition of Unauthorized Winnings
3000.602	



## ILLINOIS GAMING BOARD

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3000.605 Authorized Games  
 3000.606 Gaming Positions  
 3000.610 Publication of Rules and Payout Ratio for Live Gaming Devices  
 3000.614 Tournaments, Enhanced Payouts and Give-aways  
 3000.615 Payout Percentage for Electronic Gaming Devices  
 3000.616 Cashing-In  
 3000.620 Submission of Chips for Review and Approval  
 3000.625 Chip Specifications  
 3000.630 Primary, Secondary and Reserve Sets of Gaming Chips  
 3000.635 Issuance and Use of Tokens for Gaming  
 3000.636 Distribution of Coupons for Complimentary Chips and Tokens  
 3000.640 Exchange of Chips and Tokens  
 3000.645 Receipt of Gaming Chips or Tokens from Manufacturer or Distributor  
 3000.650 Inventory of Chips  
 3000.655 Destruction of Chips and Tokens  
 3000.660 Minimum Standards for Electronic Gaming Devices  
 3000.665 Integrity of Electronic Gaming Devices  
 3000.666 Bill Validator Requirements  
 3000.670 Computer Monitoring Requirements of Electronic Gaming Devices

## SUBPART G: EXCLUSION OF PERSONS

Section  
 3000.700 Duty to Exclude  
 3000.710 Distribution and Availability of Exclusion Lists  
 3000.720 Criteria for Exclusion or Ejection and Placement on an Exclusion List  
 3000.725 Duty of Licensees  
 3000.730 Procedure for Entry of Names  
 3000.740 Petition for Removal from Exclusion List

## SUBPART H: SURVEILLANCE AND SECURITY

Section  
 3000.800 Required Surveillance Equipment  
 3000.810 Riverboat and Board Surveillance Room Requirements  
 3000.820 Segregated Telephone Communication  
 3000.830 Surveillance Logs  
 3000.840 Storage and Retrieval  
 3000.850 Dock Site Board Facility  
 3000.860 Maintenance and Testing

## SUBPART I: LIQUOR LICENSES

Section  
 3000.900 Liquor Control Commission  
 3000.910 Liquor Licenses  
 3000.920 Disciplinary Action

## ILLINOIS GAMING BOARD

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3000.930 Hours of Sale

## SUBPART J: OWNERSHIP AND ACCOUNTING RECORDS AND PROCEDURES

Section  
 3000.1000 Ownership Records  
 3000.1010 Accounting Records  
 3000.1010 Standard Financial and Statistical Records  
 3000.1020 Annual and Special Audits and Other Reporting Requirements  
 3000.1030 Accounting Controls Within the Cashier's Cage  
 3000.1040 Procedures for Exchange of Checks Submitted by Gaming Patrons and Granting Credit  
 3000.1050 Handling of Cash at Gaming Tables  
 3000.1060 Tips or Gratuities  
 3000.1070 Deposits of Admission Tax and Wagering Tax  
 3000.1071 Cash Reserve Requirements  
 3000.1072

## SUBPART K: SEIZURE AND DISCIPLINARY HEARINGS

Section  
 3000.1100 Coverage of Subpart  
 3000.1105 Duty to Maintain Suitability  
 3000.1110 Board Action Against License or Licensee  
 3000.1115 Complaint  
 3000.1120 Appearances  
 3000.1125 Answer  
 3000.1126 Appointment of Hearing Officer  
 3000.1130 Discovery  
 3000.1135 Motions for Summary Disposition  
 3000.1139 Subpoena of Witnesses  
 3000.1140 Proceedings  
 3000.1145 Evidence  
 3000.1146 Prohibition of Ex Parte Communication  
 3000.1150 Sanctions and Penalties  
 3000.1155 Transmittal of Record and Recommendation to the Board

AUTHORITY: Implementing and authorized by the Riverboat Gambling Act [230 ILCS 10].

SOURCE: Emergency rule adopted at 15 Ill. Reg. 11252, effective August 5, 1991, for a maximum of 150 days; adopted at 15 Ill. Reg. 18263, effective December 10, 1991; amended at 16 Ill. Reg. 13310, effective August 17, 1992; amended at 17 Ill. Reg. 11510, effective July 9, 1993; amended at 20 Ill. Reg. 5814, effective April 9, 1996; amended at 20 Ill. Reg. 6280, effective April 22, 1996; emergency amendment at 20 Ill. Reg. 8051, effective June 3, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14765, effective October 31, 1996; amended at 21 Ill. Reg. 4642, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 14566, effective October 22, 1997, for a maximum of

## ILLINOIS GAMING BOARD

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150 days; emergency amendment at 22 Ill. Reg. 978, effective December 29, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4390, effective February 20, 1998; amended at 22 Ill. Reg. 10440, effective MAY 27 1998.

## SUBPART J: OWNERSHIP AND ACCOUNTING RECORDS AND PROCEDURES

Section 3000.1071 ~~PPPS887S-0P~~ Admission Tax and Wagering Tax

- a) Each holder of an Owner's license ("licensee") is subject to tax liability assessment for each Gaming Day for the Admission Tax and the Wagering Tax imposed under the Act.
- b) Admission and Wagering Taxes shall be paid via an electronic funds transfer system employing an Automated Clearinghouse Debit method (ACH-Debit). Each licensee shall maintain an account with sufficient funds to pay, in a timely fashion, all tax liabilities due under the Act. The account shall be maintained at a financial institution capable of making payments to the State under the electronic funds transfer requirements imposed by the State.
- c) Admission and Wagering Tax liability shall be established on the basis of a Gaming Day. Each licensee shall select, with the approval of the Administrator, a 24 hour cycle to be defined as the uniform Gaming Day for that licensee. A Gaming Day may begin on one calendar day and end the next calendar day, provided that the Gaming Day does not extend beyond the uniform 24 hour period selected in advance by the licensee. The Administrator shall prescribe and make available to each licensee forms, instructions and reporting requirements for Admission and Wagering Taxes. The required forms include the Daily Tax Schedules. The Daily Tax Schedules may be provided by the Administrator to licensees in computer-based format and include a computer program that, upon input by the licensee of requisite data, provides for the calculation of tax reporting information and tax liability. Daily Tax Schedules shall be completed for each Gaming Day. The monthly float adjustment shall be completed on the Daily Tax Schedule for the final Gaming Day of each month.
- e) The Daily Tax Schedules must be filed with the Board no later than 12:00 noon on the Due Date. Admission and Wagering Tax payments shall be transferred electronically to the Board's designated financial institution by 3:00 p.m. on the Due Date. For purposes of tax schedules and tax payments, the Due Date shall be defined as one bank business day after the close of the Gaming Day for which the liability is established. For example, if the Gaming Day of a licensee ends at 2:00 a.m. on a Tuesday (i.e., the end of a Gaming Day that began on Monday), the Due Date is the Wednesday which follows, unless that Wednesday is not a bank business day, in which case the subsequent bank business day is the Due Date.
- f) The Admission Tax for a Gaming Day shall be calculated and imposed as provided in Section 12 of the Act.
- g) For any Gaming Day that commenced on or before December 31, 1997, the

## ILLINOIS GAMING BOARD

## NOTICE OF ADOPTED AMENDMENT

Wagering Tax imposed on a licensee shall be calculated at 20% of Adjusted Gross Receipts. For any Gaming Day that commences after December 31, 1997, the Wagering Tax imposed on the licensee shall be based on each calendar year's accumulated Adjusted Gross Receipts and calculated at the following graduated rates:

- 1) 15% of the calendar year Adjusted Gross Receipts up to and including \$25,000,000;
- 2) 20% of the calendar year Adjusted Gross Receipts in excess of \$25,000,000 but not exceeding \$50,000,000;
- 3) 25% of the calendar year Adjusted Gross Receipts in excess of \$50,000,000 but not exceeding \$75,000,000;
- 4) 30% of the calendar year Adjusted Gross Receipts in excess of \$75,000,000 but not exceeding \$100,000,000; and
- 5) 35% of the calendar year Adjusted Gross Receipts in excess of \$100,000,000.

h) Daily Tax Schedules shall include all information necessary for adjustments and reconciliation of tax liability and shall be subject to audit by the Board and its audit agents. Adjustments to previously reported tax information shall be made by the licensee, except that no adjustment of \$25,000 or more shall be made to previously reported Adjusted Gross Receipts without the prior written approval of the Administrator or the Administrator's designee.

i) Any adjustment for a Gaming Day which commenced on or before December 31, 1997, shall be authorized by the Administrator or the Administrator's designee, and shall be taxed at a rate of 20% of Adjusted Gross Receipts. Any adjustment for a Gaming Day that commences after December 31, 1997, shall be taxed at the graduated tax rate applicable to the Gaming Day upon which the adjustment is effected.

j) In the event that a Daily Tax Schedule for a specific Gaming Day properly reflects a net wagering loss experienced by the licensee, an adjustment for the amount of any remaining net wagering loss (negative Adjusted Gross Receipts) shall be carried forward on the subsequent Daily Tax Schedules until such loss is offset by Gaming win (positive Adjusted Gross Receipts).

k) All Admission Taxes and Wagering Taxes paid pursuant to the requirements of the Act shall be deposited by the Board into the State Gaming Fund. The Board shall from time to time transfer excess funds in the State Gaming Fund to the Education Assistance Fund. The Board shall determine the amount of excess funds subject to transfer based upon the difference between the State Gaming Fund balance and the outstanding obligations, including any outstanding share of Admission and Wagering Taxes due to local governments. The Administrator will be responsible for calculating the allocation of the Admission and Wagering Taxes between the State and the unit of local government designated as the home dock of the Riverboat. Payments for Admission Taxes shall be made by the Board to units of local government quarterly, and payments for Wagering Taxes shall be made monthly, by



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- and-detailed-instructions-will-be-provided-by-the-Administrator--the-tax-schedules-must-be-filed-with-the-Illinois-Gaming-Board-no-later-than-12-00-noon-on-the-due-date-
- f) the-Administrator-will-be-responsible-for-calculating-the-allocation-of-the-Admission-and-Wagering-Tax-between-the-State-and-the-unit-of-local-government-designated-as-the-home-dock-of-the-Riverboat-Payments-will-be-made-quarterly-by-voucher/warrant--subject-to appropriation-
- g) the-excess-of-funds-in-the-State-Gaming-Fund-will-be-determined-by-the-Board--based-upon-the-difference-between-the-State-Gaming-Fund-Balance-and-outstanding-obligations-plus-commitments-at-the-end-of-each-fiscal year--Commitments-shall-include-any-outstanding-share-of-admissions and-wagering-taxes--due-to-the-local-governments--Funds-generated-by this-Act-shall-be-transferred-into-the-Education-Assistance-Fund.
- h) An-owner-licensee's-failure-to-comply-with-the-provisions-of--this-Section-may--subject-the-owner-licensee-to--penalty-and-interest-pursuant-to-the-Uniform-Penalty-and-Interest-Act-(35-1069-735)-and-the-rules-adopted-thereunder-

(Source: Amended at 22 Ill. Reg. 10449, effective MAY 27 1998)

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- voucher/warrant, subject to appropriation.
- 1) A licensee's failure to comply with the provisions of this Section may subject the licensee to penalty and interest amounts pursuant to the Uniform Penalty and Interest Act [35 ILCS 735]. The Administrator is authorized to waive any penalty and interest for the late filing of a tax schedule or late tax payment, if the licensee can show good cause. "Good cause" shall include, but not be limited to, detection and correction of a deficiency in filing or payment that resulted from a documented inadvertent or unintentional error that was corrected within one business day of the applicable Due Date. The licensee shall be notified by the Administrator in writing of any penalty or interest payable because of a late tax schedule filing or late tax payment. The licensee may, within 10 business days after receiving the notice, file a written request for a waiver with the Administrator. The Administrator shall act on the request for waiver and notify the licensee in writing of the decision within 15 calendar days after receiving the request. If the Administrator fails to act within the 15 day period the waiver is deemed granted. If the Administrator denies the request for waiver the licensee may ask the Board for a hearing. The request for hearing must be in writing and filed not later than 15 calendar days after receipt of the notice of denial. Except as provided in this subsection (1), the provisions for hearings under Subpart D shall apply to any hearing conducted under this Section. A hearing under this Section is not a disciplinary hearing under Subpart K of this Part.
- a) Each-holder-of-an-owner's-license-shall-maintain-an-account-at-a-designated-financial-institution-capable-of-handling-electronic-fund transfers--The-holder-of-an-owner's-license-shall-also-maintain-on-deposit-a-minimum-account-balance-sufficient-to-cover-all-tax-liabilities-due-under-the-Act-
- b) Both-the-admission-and-the-wagering-taxes-shall-be-paid-via-an-electronic--Ponds-transfer--(BET)--system-employing-an-Automated Clearinghouse-Debit-method-(ACH-Debit)-
- c) Wagering-and-admission-tax-payments-shall-be-transferred-to-the-Board's-designated-depository-by-3-00-p.m.-on-the-due-date-
- d) Each-holder-of-an-owner's-license-shall-with-the-agreement-of-the-Administrator-select-a-24-hour-cycle-that-shall-be-defined-as-the-gaming-day-for-the-purpose-of-establishing-the-tax-schedule-and-tax-liability-due-dates--The-due-date-for-wagering-and-admission-tax-schedules-and-tax-payments-is-defined-as-one-bank-business-day-after-the-close-of-the-gaming-day-upon-which-the-liability-was-established-For-example-if-the-final-cruise-for-Monday's-business-ends-after-midnight-(Tuesday-a.m.)--the-tax-schedule-and-tax-payment-would-be-due on-Wednesday-
- e) Minimum-reporting-requirements-include-daily-number-of-admissions-to-Gaming-excursions--Admission-Taxes--daily-Gross-Receipts--Adjusted Gross-Receipts-and-Wagering-Tax-and-such-other-information-as-the-Administrator-may-require-on-the-tax-schedule--the-tax-schedule-forms



## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED RULES

1) Heading of Part: Noncompliance Notification and Penalties2) Code Citation: 50 Ill. Adm. Code 4435

<u>Section Number:</u>	<u>Adopted Action:</u>
4435.10	New Section
4435.20	New Section
4435.30	New Section
4435.40	New Section
4435.50	New Section
4435.60	New Section
4435.70	New Section
4435.80	New Section

4) Statutory Authority: Implementing Section 1A-113 and authorized by Section 1A-103 of the Illinois Pension Code [40 ILCS 5/1A-103 and 1A-113](see P.A. 90-507, effective August 22, 1997).5) Effective Date of rule: June 1, 19986) Does this rule contain an automatic repeal date? No7) Does this rule contain incorporations by reference? No8) Date filed in Agency's Principal Office: June 1, 19989) Notice of Proposal Published in Illinois Register: February 6, 1998, 22 Ill. Reg. 264510) Has JCAR issued a Statement of Objections to this rule? No11) Difference(s) between proposal and final version:

- a) Section 4435.10 - On the second line add "pension funds," following "for". Also add "or elected or appointed officials of a governmental unit" following "units".
- b) Section 4435.20 - On the first line add "pension fund" following "any". Also add "or elected or appointed officials of a governmental unit" following "unit".
- c) Section 4435.30 - The definition of "Governing Body" has been deleted.
- d) Section 4435.30 - The definition of "person" has been deleted.
- e) Section 4435.40 - On the first and third, and last line delete "person" and add "pension fund, governmental unit or elected or appointed official of a governmental unit" in lieu thereof.

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED RULES

## f) Section 4435.50(a) - On the fourth line delete "person" and add "pension fund, governmental unit or elected or appointed official of a governmental unit" in lieu thereof.

## g) Section 4435.50(b) - On the first line delete "person" and add "pension fund, governmental unit or elected or appointed official of a governmental unit" in lieu thereof.

## h) Section 4435.60(a) - On the fourth line delete "person" and add "pension fund, governmental unit or elected or appointed official of a governmental unit" in lieu thereof.

## i) Section 4435.60(b) - On the last line delete "person" and add "pension fund, governmental unit or elected or appointed official of a governmental unit" in lieu thereof.

## j) Section 4435.60(c) - On the sixth line delete "person" and add "pension fund, governmental unit or elected or appointed official of a governmental unit" in lieu thereof.

## k) Section 4435.70(a),(b) and (c) - Delete "person" and add "pension fund" in lieu thereof.

## l) Section 4435.70(c) - On the sixth line delete "person" and add "pension fund to" in lieu thereof.

## m) Section 4435.80(b),(c), (c)(1), (d) and (d)(2) - Delete "person" and add "pension fund, governmental unit or elected or appointed official of a governmental unit" in lieu thereof.

12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? No. Please see the number 2 of the Second Notice Changes document. The language should have been changed from "governmental unit" to "pension fund, governmental unit or elected or appointed officials of a governmental unit". Also see number 5. The Department did not agree to make this change. And finally please see number 7. The language change made to line 130 should have been from "person" to "pension fund to".13) Will this rule replace an emergency rule currently in effect? No14) Are there any amendments pending on this Part? No15) Summary and Purpose of rulemaking: The Department is adopting these new administrative regulations to address the new legislation which assesses penalties on pension funds for noncompliance with the Illinois Pension Code and the Department's regulations.

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED RULES

The purpose of this part is to set forth the process for the assessment of penalties as prescribed by Section 1A-113 of the Illinois Pension Code which includes a hearing. This part also provides criteria for the Director's determination of whether a pension fund has demonstrated good and sufficient cause for its noncompliance with the Illinois Pension Code and the Department's regulations.

- 16) Information and questions regarding this adopted rule shall be directed to:

Tom Jones  
Department of Insurance  
320 West Washington  
Springfield, Illinois 62767-0001  
(217)782-1781

The full text of the Adopted Rules begins on the next page:

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED RULES

## TITLE 50: INSURANCE

CHAPTER I: DEPARTMENT OF INSURANCE  
SUBCHAPTER aaa: PENSIONS

## PART 4435

NONCOMPLIANCE NOTIFICATION AND  
PENALTIES

Section	Purpose
4435.10	Applicability
4435.20	Definitions
4435.30	Notification of Noncompliance
4435.40	Reasonable Compliance Period for Notification
4435.50	Director's Determination of Noncompliance
4435.60	Director's Determination of Failure to Timely File
4435.70	Hearing to Show Good and Sufficient Cause
4435.80	

AUTHORITY: Implementing Section 1A-113 and authorized by Section 1A-103 of the Illinois Pension Code [40 ILCS 5/1A-103 and 1A-113](see P.A. 90-507, effective August 22, 1997).

SOURCE: Adopted at 22 Ill. Reg. effective  
JUN 01 1998 10459

## Section 4435.10 Purpose

This Part sets forth the procedural requirements and penalty fee schedules for pension funds, governmental units or elected or appointed officials of a governmental unit that fail to comply with the requirements of the Illinois Pension Code and the Department of Insurance's administrative regulations implementing the Illinois Pension Code.

## Section 4435.20 Applicability

This Part applies to any pension funds, governmental units or elected or appointed officials of a governmental unit that is subject to any law establishing a pension fund or retirement system for the benefit of employees of the governmental unit [40 ILCS 5/1A-113(d)] (see P.A. 90-507, effective August 22, 1997).

## Section 4435.30 Definitions

Actuarial Statement means the informational filing as required by Section 1A-110 or 1A-111 of the Illinois Pension Code [40 ILCS 5/1A-110 and 1A-111] (see P.A. 90-507, effective August 22, 1997), which is filed in conjunction with the annual statement.

## DEPARTMENT OF INSURANCE

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Annual Statement means the information filed by pension funds pursuant to Section 1A-109 of the Illinois Pension Code [40 ILCS 5/1A-109] (see P.A. 90-507, effective August 22, 1997).

Annual Compliance Fee means the fee paid to the Department by pension funds pursuant to Section 1A-112 of the Illinois Pension Code [40 ILCS 5/1A-112] (see P.A. 90-507, effective August 22, 1997).

Code means the Illinois Pension Code [40 ILCS 5].

Department means the Department of Insurance of the State of Illinois [40 ILCS 5/1A-102] (see P.A. 90-507, effective August 22, 1997).

Division means the Public Pension Division of the Department of Insurance [40 ILCS 5/1A-102] (see P.A. 90-507, effective August 22, 1997).

Governmental Unit means the State of Illinois, any instrumentality or agency thereof (except transit authorities or agencies operating within or within and without cities with a population over 3,000,000), and any political subdivision or municipal corporation that establishes and maintains a public pension fund [40 ILCS 5/1A-102] (see P.A. 90-507, effective August 22, 1997).

Pension Fund means any public pension fund, annuity and benefit fund, or retirement system established under the Illinois Pension Code [40 ILCS 5/1A-102] (see P.A. 90-507, effective August 22, 1997).

#### Section 4435.40 Notification of Noncompliance

The Division shall provide written notification to each pension fund, governmental unit or elected or appointed official of a governmental unit of the specific provision(s) of the Code and/or the Department's regulation(s) with which the pension fund, governmental unit or elected or appointed official of a governmental unit has failed to comply (see 40 ILCS 5/1A-113(d)(1); P.A. 90-507, effective August 22, 1997). Each notification shall clearly state the Division's determination of noncompliance, the basis for the determination associated with the noncompliance, the possible penalty amount associated with the noncompliance and, if applicable, the reasonable time, as determined by Section 4435.50 of this Part, by which the pension fund, governmental unit or elected or appointed official of a governmental unit may achieve compliance after receipt of this notification.

#### Section 4435.50 Reasonable Compliance Period for Notification

- a) Upon receipt of the noncompliance notification described in Section 4435.40, other than a notification for failure to timely file pursuant to Section 1A-113(a), (b) and (c) of the Code, the pension fund,

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governmental unit or elected or appointed official of a governmental unit notified shall take immediate steps to comply with the provisions of the Code and/or Department's regulation(s) specified in the notice [40 ILCS 5/1A-113(d)(2)] (see P.A. 90-507, effective August 22, 1997).

- b) If the pension fund, governmental unit or elected or appointed official of a governmental unit notified fails to comply with the provision(s) of the Code and/or Department's regulation(s) specified in the noncompliance notification within 30 days after receipt of such notification, the Director may hold a hearing pursuant to Section 4435.80 of this Part to determine if a penalty should be assessed in accordance with the procedures set forth in Section 4435.60 of this Part (see 40 ILCS 5/1A-113(d)(3), P.A. 90-507, effective August 22, 1997).

#### Section 4435.60 Director's Determination of Noncompliance

- a) If the Director, upon hearing held pursuant to Section 4435.80 of this Part, determines that good and sufficient cause for noncompliance has not been shown, the Director may order the pension fund, governmental unit or elected or appointed official of a governmental unit to submit evidence of compliance within a specified period of not less than 30 days [40 ILCS 5/1A-113(d)(4)] (see P.A. 90-507, effective August 22, 1997).
- b) If evidence of compliance is submitted within the specified period as set forth by order of the Director in subsection (a) of this Section, the Director shall issue a notification of compliance to the pension fund, governmental unit or elected or appointed official of a governmental unit.
- c) If evidence of compliance has not been submitted to the Director within the period of time prescribed in the order pursuant to subsection (a) of this Section and no administrative appeal from the order has been initiated, the Director may assess a civil penalty of up to \$2,000 against the pension fund, governmental unit or elected or appointed official of a governmental unit for each noncompliance with an order of the Director [40 ILCS 5/1A-113(d)(5)] (see P.A. 90-507, effective August 22, 1997).

#### Section 4435.70 Director's Determination of Failure to Timely File

- a) If the Director determines, after a hearing held pursuant to Section 4435.80 of this Part, that any pension fund has failed, without good and sufficient cause, to file its annual statement within the time prescribed under Section 1A-109 of the Code, the Director may order the pension fund to pay a penalty, which shall not exceed \$100 for each day's delay [40 ILCS 5/1A-113(a)] (see P.A. 90-507, effective August 22, 1997).
- b) If the Director determines, after a hearing held pursuant to Section 4435.80 of this Part, that any pension fund has failed, without good



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and sufficient cause, to file its actuarial statement within the time prescribed under Section 1A-112 of the Code, the Director may order the pension fund to pay a penalty, which shall not exceed \$100 for each day's delay [40 ILCS 5/1A-113(b)] (see P.A. 90-507, effective August 22, 1997).

- c) If the Director determines, after a hearing held pursuant to Section 4435.80 of this Part, that any pension fund has failed, without good and sufficient cause, to file its annual compliance fee within the time prescribed under Section 1A-112 of the Code, the Director may order the pension fund pay a penalty of 5% of the amount of the annual compliance fee for each month, or part of a month that the annual compliance fee is late. Such fee shall not exceed 25% of the total amount of the annual compliance fee due.

## Section 4435.80 Hearing to Show Good and Sufficient Cause

- a) If the Director determines that a hearing should be held to allow a demonstration of good and sufficient cause pursuant to either Section 4435.50 or Section 4435.70 of this Part, such hearing shall be conducted pursuant to the procedures set forth in 50 Ill. Adm. Code 2402, except that, if more specific procedures are set forth in this Part, then the more specific procedures apply.
- b) At such hearing the burden of proof to show good and sufficient cause for failure to comply with the requirements of the Code and/or Department regulation(s) shall be on the pension fund, governmental unit or elected or appointed officials of a governmental unit notified pursuant to Section 4435.40 of this Part.
- c) In determining whether the pension fund, governmental unit or elected or appointed official of a governmental unit has met the burden of proof as required by subsection (b) of this Section, the Director may consider, but is not limited to, the following:
- 1) Evidence that, due to no fault of the pension fund, governmental unit or elected or appointed official of a governmental unit, there was an unforeseeable or unexpected delay or occurrence;
  - 2) Evidence of an uncontrollable circumstance; and
  - 3) Evidence pertaining to Acts of God.
- d) The Director, in determining that the pension fund, governmental unit or elected or appointed official of a governmental unit has failed to meet the burden of proof as required by subsection (b) of this Section, will consider, but is not limited to, the following:
- 1) Evidence or claims of ignorance of the requirements of the Code and/or Department regulations; and
  - 2) Evidence of irresponsibility and/or mismanagement on the part of the pension fund, governmental unit or elected or appointed official of a governmental unit notified.

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Consignment of Licenses, Stamps and Permits
- 2) Code Citation: 17 Ill. Adm. Code 2520
- 3) Section Numbers: Adopted Action:  
2520.10 Amendments  
2520.20 Amendments  
2520.50 Amendments
- 4) Statutory Authority: Implementing and authorized by Sections 1.4, 3.1, 3.2, 3.37, 3.38 and 3.39 of the Wildlife Code [520 ILCS 5/1.4, 3.1, 3.2, 3.37, 3.38 and 3.39] and Sections 1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120 of the Fish and Aquatic Life Code [515 ILCS 5/1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120].
- 5) Effective Date of Rulemaking: June 1, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date filed in Agency's Principal Office: May 29, 1998
- 9) Notice of Proposal Published in Illinois Register: February 28, 1998, 22 Ill. Reg. 4225
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Amendments were made to this Part to change the qualifications for preferred status; add the pilot program license and stamps; and change deer archery combination permits to archery permits to accommodate deer and turkey.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price  
Department of Natural Resources  
524 S. Second Street, Room 430

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Springfield, IL 62701-1787  
217/782-1809

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER f: ADMINISTRATIVE SERVICES

## PART 2520

## CONSIGNMENT OF LICENSES, STAMPS AND PERMITS

Section	
2520.10	Consignment Requirements
2520.20	Issuing Licenses, Stamps and Permits
2520.30	Terms
2520.40	Credit to Vendor Accounts
2520.50	Issuance of Replacement Hunting, Fishing and Trapping Licenses, Stamps and Permits

**AUTHORITY:** Implementing and authorized by Sections 1.4, 3.1, 3.2, 3.37, 3.38 and 3.39 of the Wildlife Code [520 ILCS 5/1.4, 3.1, 3.2, 3.37, 3.38 and 3.39] and Sections 1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120 of the Fish and Aquatic Life Code [515 ILCS 5/1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120].

**SOURCE:** Adopted and codified at 7 Ill. Reg. 8760, effective July 15, 1983; amended at 8 Ill. Reg. 5660, effective April 16, 1984; amended at 9 Ill. Reg. 14626, effective September 17, 1985; amended at 11 Ill. Reg. 4633, effective March 10, 1987; amended at 15 Ill. Reg. 7653, effective May 7, 1991; amended at 16 Ill. Reg. 8479, effective May 26, 1992; amended at 18 Ill. Reg. 9991, effective June 21, 1994; amended at 19 Ill. Reg. 7541, effective May 26, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 14417, effective October 25, 1996; amended at 21 Ill. Reg. 6483, effective May 19, 1997; amended at 22 Ill. Reg. 10466, effective JUN 01 1998.

## Section 2520.10 Consignment Requirements

- a) The Department of Natural Resources (DNR) has the authority to designate agents to sell licenses, stamps and permits on behalf of the Department. DNR consigns hunting, fishing, trapping and ginseng harvester licenses, migratory waterfowl, salmon and wildlife conservation stamps, and deer archery combination permits, hereinafter referred to as licenses, stamps and permits, for sale by county, city, village, township and incorporated town clerks, upon receipt of their completed application and elected official license vendor contract, and fulfillment of requirements set forth in this Part. The Department also consigns the licenses, stamps and permits to other persons, hereinafter referred to as "direct agents", upon receipt of their completed application, license vendor contract, evidence of financial responsibility, and fulfillment of the requirements set

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NOTICE OF ADOPTED AMENDMENTS

the following license year. If the qualifications have not been met, the preferred status is removed and the direct agent will be assigned the preferred status and permits equal to the amount of financial licenses, stamps and letters of credit shall be on a form evidence. Surety bonds and letters of credit shall be on a form furnished by and approved by DNR, with surety or sureties satisfactory to DNR, conditioned upon such agents paying to the State of Illinois all monies becoming due by reason of the sale of licenses, stamps and permits. No direct agent may appoint sub-agents.

(Source: Amended at 22 Ill. Reg. 10466, effective JUN 01 1998)

Section 2520.20 Issuing Licenses, Stamps and Permits

- License, stamp and permit forms shall be filled out accurately and legibly at the time of issuance, and the full amount shall be collected as shown on the license face. In the case of stamps, the license fee plus the authorized issuing fee shall be collected, if the issuing fee is not shown on the face of the stamp. Vendors shall not back-date or issue an undated license.
- The application portion of each license shall be retained by the issuing clerk or agent until the license issued expires, except in the case of trapping licenses, goose permit stubs, habitat stamps, ginseng harvester licenses, and deer archery combination permits, resident hunting licenses and habitat stamps, non-resident hunting licenses and habitat stamps and resident sportsmen's licenses and habitat stamps for which the completed application must accompany the remittance.

(Source: Amended at 22 Ill. Reg. 10466, effective JUN 01 1998)

Section 2520.50 Issuance of Replacement Hunting, Fishing and Trapping Licenses, Stamps and Permits

- The Department will issue replacements for lost hunting, fishing, Sportsman's Combination, Ginseng harvester, commercial licenses and permits, trapping licenses, Illinois stamps and deer archery combination permits. A fee of \$3.00 per license, stamp or permit will be charged to defray the cost of handling.
- The Department will issue replacements at no cost when the Department loses the sportsman's hunting, fishing, Sportsman's Combination, Ginseng Harvester, or trapping licenses, stamps or deer archery combination permits.
- The procedure for obtaining a replacement license, stamp or permit is as follows:
  - Individual loss - The individual requesting the replacement should obtain from the vendor from which the original license, stamp or permit was purchased, a copy (or the original) of the

DEPARTMENT OF NATURAL RESOURCES  
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forth in this part. The term "direct agent" means all persons authorized by the Department to sell licenses, stamps and permits other than elected or appointed officials and department employees. License vendors, including employees of the Department selling licenses, stamps and permits, shall collect an issuing fee in addition to the license, stamp and permit fee as provided in 515 ILCS 5/20-120 and 520 ILCS 5/3.37 as follows: 75 cents for each Sportsman's Combination license and non-resident hunting license, and 50 cents for all other licenses, stamps and permits authorized by the above statutes. All licenses, stamps and permits consigned and fees collected from the sale of licenses, stamps and permits (except the authorized issuing fee) remain the property of the State of Illinois. Funds received from the sale of licenses, stamps and permits (except the authorized issuing fee) shall not be directed to any purpose other than remittance to the Department.

- County, city, village, township and incorporated town clerks may appoint sub-agents within the territorial area for which they are elected or appointed. Elected or appointed officials and Department employees selling licenses, stamps and permits are liable to the State for all licenses, stamps and permits consigned to their account, including any licenses, stamps and permits furnished by a clerk to any sub-agent. Any clerk appointing sub-agents must notify the Department, within 10 days following the appointment, the names and mailing addresses of such sub-agents. No part of the issuing fees collected may be retained as personal compensation by the clerk. Issuing fees may be divided between the clerk and appointed sub-agents other than employees of the Clerk's office, but in no case may any clerk and/or sub-agent charge an issuing fee or fees totaling more than the amounts set out in subsection (a) of this Section. DNR assumes no liability for any license, stamp or permit furnished by any elected or appointed clerk to any sub-agent.

- All direct agents, including concessionaires holding contracts with the Department shall be required to furnish DNR with evidence of financial responsibility. Such evidence shall be in the form of a surety bond, letter of credit or certificate of deposit, in an amount equal to the value of licenses, stamps and permits consigned with the exception of direct agents with a preferred status. Direct agents must meet the following qualifications to receive a preferred status:
  - The direct agent must sell licenses, stamps and permits for one complete license year.
  - The Department must have received a minimum of 10 monthly current license year remittances or no sales reports between March and December (inclusive) 10-or-more-remittances-or-no-sales--reports

during-the-previous-license-year.  
If these qualifications are met the direct agent's consignments may total 50% over the amount of their financial evidence. All direct agents with a preferred status will be reviewed annually. If qualifications have been met, the preferred status will continue for



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license, stamp or permit application. If the application is unavailable, the individual may obtain "a Replacement License/Stamp/Permit Application" from any license vendor or the Department. "A Replacement License/Stamp/Permit Application" must be notarized to ensure that the application is accurate and non-fraudulent. The copy of the original application, or properly completed and notarized "A Replacement License/Stamp/Permit Application" should then be forwarded with the \$3.00 fee per license, stamp or permit to any of the following offices:

- A) Illinois Department of Natural Resources  
P.O. Box 19459  
Springfield, IL 62794-9459
- B) Illinois Department of Natural Resources  
2612 Locust Street  
Sterling, IL 61081
- C) Illinois Department of Natural Resources  
110 James Road  
Spring Grove, IL 60081
- D) Illinois Department of Natural Resources  
2005 Round Barn Road  
Champaign, IL 61821
- E) Illinois Department of Natural Resources  
4521 Alton Commerce Parkway  
Alton, IL 62002
- F) Illinois Department of Natural Resources  
11731 State Highway 37  
Benton, IL 62812
- G) Illinois Department of Natural Resources  
100 West Randolph  
Suite 4 - Room 300  
Chicago, IL 60601

- 2) Department loss - The Department location requesting the replacement should complete on agency letterhead a request for a replacement and forward the request to: Department of Natural Resources, Replacements, 524 S. Second Street, Springfield, IL 62701. The request should be completed in triplicate with one copy retained at the location and one copy given to the person whose license, stamp or permit was lost. This copy of the request will allow the person to hunt or fish in the interim between receiving a replacement. Information contained in the replacement request letter must include:

- A) date of the letter;
- B) indication that the letter may be used by the person in lieu of a license, stamp or permit for up to 30 days from the date on the letter;
- C) Department location requesting the replacement (including address and contact phone number);

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- D) the name, complete mailing address, county of residence, date of birth, height, weight, hair color, eye color and daytime phone number of the person receiving the replacement;
- E) indication of what licenses, stamps or permits need to be replaced;
- F) the printed or typed names and signatures and the date of signature of the authorized persons at the Department location issuing the replacement letter and the location supervisor.

(Source: Amended at 22 Ill. Reg. 10466, effective JUN 01 1998)

DEPARTMENT OF NATURAL RESOURCES  
NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Forestry Development Cost-Share Program

2) Code Citation: 17 Ill. Adm. Code 1536

3) Section Numbers: Adopted Action:

- 1536.10 Amendments
- 1536.20 Amendments
- 1536.25 Amendments
- 1536.30 Amendments
- 1536.40 Amendments
- 1536.50 Amendments
- 1536.60 Amendments
- 1536.65 Amendments
- 1536.70 Amendments
- 1536.80 Amendments
- 1536.100 Amendments

4) Statutory Authority: Implementing and authorized by the Illinois Forestry Development Act [525 ILCS 15].

5) Effective Date of Rulemaking: June 1, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date filed in Agency's Principal Office: June 1, 1998

9) Notice of Proposal Published in Illinois Register: February 6, 1998, 22 Ill. Reg. 2651

10) Has JCRC issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: 1536.10(a) subsection was changed to read: "Timber growers and/or landowners participating in this program may also be eligible for federal forestry cost-share programs administered by agencies of the United States."

1536.10(b) - "timber grower and/or" was put back in

1536.10(c) - "the rules" was changed to "this Part"

1536.10(d) - "Landowners" was changed to "Timber growers and/or" and "landowner" was changed to "timber grower and/or landowner"

1536.10(f) - "[525 ILCS 15]" was removed; and "Landowners" was changed to "timber growers and/or landowners"

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1536.10(j) - "timber growers" was put back in and "and/or" was added prior to "landowners" in three places; "can not" was changed to "cannot"

1536.10(l) - "complete" was changed to "completed"

1536.25 - "timber growers and/or" was added prior to "landowners"

1536.25(a) - "timber grower and/or" was added prior to "landowner" in two places

1636.25(c) - "Sections 9101 et seq. of the" was deleted

1536.30(b)(1) - "unless specifically modified later under Section 1536.30(c)(2)(D)(iii) as approved by a District Forester" was added at the end of the sentence.

1536.30(b)(2) - The following new sentence was added at the end of the subsection: For the purposes of this subsection (b), mitigation means alleviation, reduction, abatement or diminution of a condition that is prohibited by State or federal law or regulation.

1536.30(c) - "(b)" was changed to "(c)(1)(B)"

1536.30(c)(1)(B)(ii) - "(60%)" and "forty percent" were removed and "(40%)" was changed to "40%"

1536.30(c)(1)(B)(iii) - "forty percent (40%)" was changed to "40%"; "(2)" was deleted in two places; and "twenty-five (25)" was changed to "25"

1536.30(c)(1)(B)(iv) - "forty percent (40%)" was changed to "40%"; "(2)" was deleted in two places; and "twenty-five (25)" was changed to "25"

1536.30(c)(2)(D)(i) and (iii) - "436" was changed to "435" in three places

1536.30(c)(2)(D)(iii) - "and seedling density" was added following "spacing" and "to enhance an existing forest area or riparian area" was added following "made"

1536.30(c)(2)(E)(ii) - the comma following "as" was removed.

1536.30(c)(3)(B) - closing quote was added following "REPORT"; the comma following "USDA" was removed; "(no later editions or amendments are included)"; and the comma at the end of the subsection was moved inside the closing parenthesis

1536.30(c)(3)(C) - "less" was changed to "fewer"

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- 1536.30(c)(3)(D) - "less" was changed to "fewer" and "done per rules outlined in subsection (2)" was changed to "done per subsection (c)(2)"
- 1536.30(c)(4) - the semi-colon following "herbicides" was changed to a comma
- 1536.50 - the semi-colon following "trees" was removed
- 1536.50(c)(1)(A) - "and of" was deleted and a comma was added following "area"
- 1536.50(c)(1)(C) - "(Circa 1993)" was added following "Hardwoods"
- 1536.70(c) - "1536.30(1)(B)(i)" was changed to "1536.30(c)(1)(B)(i)"
- 1536.80(a) - "timber grower" was put back in and "and/or" was added prior to landowner
- 1536.80(b) - "Section" was added prior to "1536.90"
- 1536.80(d) - "of" was changed to "after"

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: Amendments were made to update the existing rule and clarify some of the provisions. These amendments increase the not to exceed dollar amount of each of the practices, clarify the use of other cost-share programs, update billing statement requirements and base cost issues for practices, and more clearly define some practices.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price  
Department of Natural Resources  
524 S. Second Street, Room 430  
Springfield, IL 62701-1787  
217/782-1809

The full text of the Adopted Amendments begins on the next page:

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TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER d: FORESTRY

## PART 1536

## FORESTRY DEVELOPMENT COST-SHARE PROGRAM

Section	
1536.10	General
1536.20	Eligibility
1536.25	Preparation of Forest Management Plans
1536.30	Planting Trees and Direct Seeding
1536.40	Fencing to Protect Forests and Plantations
1536.50	Tending Forest Stands <u>improving-a-stand-of-forest-trees</u>
1536.60	Firebreaks to Protect Forests
1536.65	Reducing Wildlife Damage
1536.70	Site Preparation for Natural Regeneration
1536.80	Appeal
1536.90	Information
1536.100	Penalty

AUTHORITY: Implementing and authorized by the Illinois Forestry Development Act [525 ILCS 15].

SOURCE: Adopted and codified at 8 Ill. Reg. 13689, effective July 25, 1984; amended at 9 Ill. Reg. 14286, effective September 5, 1985; amended at 10 Ill. Reg. 6838, effective April 3, 1986; amended at 10 Ill. Reg. 18168, effective October 15, 1986; amended at 11 Ill. Reg. 18632, effective November 2, 1987; amended at 14 Ill. Reg. 18244, effective October 29, 1990; amended at 17 Ill. Reg. 16485, effective September 27, 1993; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 22 Ill. Reg. 10473, effective JUN 01 1998.

## Section 1536.10 General

The purpose of this program is to encourage the planting, management, use, tending and regeneration of forests.

- a) Timber growers and/or landowners participating in this program may also be eligible for federal forestry cost-share programs administered by agencies of the United States. Department--of--Agriculture (U-S-D-A)-Agricultural-Stabilization-and-Conservation-Service
- b) An application for the cost-shared practice must be completed by the timber grower and/or landowner and submitted to the Illinois Department of Natural Resource's District Forester, hereinafter referred to as the District Forester. The requirements for installation of the practice will be described in the approved forest management plan, hereafter called the "plan". The cost-shared



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- h) When Federal or other cost-share program practices are utilized concurrently with the Illinois Forestry Development Act (IFDA) (Ill. Rev. Stat. 1993, ch. 96-1/2, par. 9-101 et seq.) (525-158-15) the cost-share rate shall equal the rate of the other concurrent cost-share program in effect in the county where the practice is installed. The IFDA cost-share rate and the not-to-exceed-per-practice-unit amount (see Section 1536-30(d)) shall be adjusted proportionately from the standard rate now in effect. Also see Section 1536-30(b).
- k) While this program may be combined with a federal program for implementation of a specific practice, it cannot be combined with another State program for the same practice.
- l) Only approved and satisfactorily completed practices provide the basis for reimbursement to landowners. All components must be completed and approved before payment is approved.
- m) Cost share practices shall not be authorized for any action that is determined to be harmful to threatened or endangered species or their habitat.

(Source: Amended at 22 Ill. Reg. 10473, effective JUN 01 1998)

Section 1536.20 Eligibility

- a) Participation in the program is limited to landowners and/or timber growers who own or operate at least 5 contiguous acres of land in this State. A forest must be at least 100 feet wide.
- b) The property on which the cost-shared practices will be installed must have an approved forest management plan as described in 17 Ill. Adm. Code 1537, except for a cost-share application for "preparation of forest management plans" practice under Section 1536.25 must be submitted to and approved by the District Forester prior to initiation of a forest management plan.

(Source: Amended at 22 Ill. Reg. 10473, effective JUN 01 1998)

Section 1536.25 Preparation of Forest Management Plans

This practice provides timber growers and/or landowners with another opportunity to obtain professional conservation assistance in plan preparation.

a) This cost-share practice is valid only when a timer grower and/or landowner pays another party for preparation of a Plan. The timber grower and/or landowner must approve and sign the plan before the District Forester will authorize reimbursement of the cost-share of the Plan practice.

b) A cost-share application for this practice must be submitted and

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- c) The reimbursement payment for the approved cost-shared practice will be based on the landowner's documentation of cost to install the practice and will not exceed the established cost-share percentages and will not to exceed maximum amounts per unit allowed in this Part. A sample cost-share documentation format is shown in Exhibit A-1.
- d) Timber growers and/or landowners must provide an itemized statement with paid receipts for expenses of more than \$10 in the implementation of the approved practice. In determining the cost of a timber grower and/or landowner or family member doing the practices, the labor rate shall not exceed \$12 per hour. Reimbursement for amounts less than \$50 will not be processed for payment.
- e) This is a reimbursement cost-share program. Advance payment will not be allowed. Furthermore, cost-share payment cannot be made to a third party or to vendors.
- f) When Federal or other cost-share program practices are utilized concurrently with the Illinois Forestry Development Act (IFDA) Cost-Share program, the cost-share percentage shall equal the percentage of the other concurrent cost-share program in effect in the county where the practice is installed. The IFDA cost-share percentage and the "not to exceed per practice unit amount" shall be adjusted proportionately from the standard rate now in effect. Timber growers and/or landowners may not be reimbursed more than the actual cost not to exceed the base cost of the practice. The base cost represents the amount upon which the cost-share maximum is derived. The adjusted maximum fixed rate is determined by taking the federal cost-share percent rate times the average cost per acre. Federal programs will be used for initial payment.
- g) A practice cannot be repeated on the same land within a 10 year period and must be effective for a minimum of 10 years, except as allowed under Sections 1536.30 and 1536.70.
- h) Property upon which cost-shared practices are installed must be protected from wildlife and grazing by measures set forth in the approved forest management plan hereinafter called the plan.
- i) Chemicals used in performing this practice must be federally, state and locally registered and must be applied strictly in accordance with authorized registered uses, directions on the label, and other Federal and State policies and requirements.
- j) If a timber sale has occurred within 2 State of Illinois fiscal years prior to the approval of a cost shared practice, then landowners and/or timber growers will have their cost-share increased by an amount not to exceed 50% of their harvest fee. The combined payment for the practice and the harvest fee rebate shall not exceed 100% of the landowner's and/or timber grower's practice cost. Landowners and/or timber growers who sold timber based upon provisions of the Plan shall have priority for harvest fee rebates. Federal cost share programs cannot be used with the harvest fee rebate.

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approved by the District Forester prior to initiation of a plan. However, for all other cost-share practices, an approved plan must be in effect prior to submission of a cost-share application.

- c) The plan forest-management must meet the conditions, requirements, standards and specifications as contained in Sections 9101-et-seq-of-the IFDA and 17 Ill. Adm. Code 1537 and this Part. Additional information to clarify the requirements mentioned above are listed in two publications published by the Illinois Technical Forestry Association: "Recommended Silvicultural and Management Practices for Illinois Hardwood Forest Types" (1972), Extension Forester, Illinois Cooperative Extension Service, University of Illinois, 110 Mumford Hall, Urbana, IL 61801; (no later editions or amendments are included) and "Forest Planting Practices for Illinois" (1974), Illinois Technical Forestry Association, Inc., c/o Department of Forestry, 211 Mumford Hall, Urbana, IL 61801; (no later editions or amendments are included).

- d) Components eligible for cost-sharing can include: reconnaissance, travel costs, secretarial, mailing and telephone costs, forest inventory, data analysis and plan writing.

- e) Reconnaissance notes; field data; inventory per acre and per stand; and analysis of forest inventory must be submitted with the plan, to the District Forester.

- f) All of the land in a county owned by the same individual(s), partnership(s) or corporations(s) shall be included in a single plan. Amendments of plans shall be included in a single plan year lifespan of a plan shall be cost-shared as described below.

- g) Cost-share rate for plans shall be 75% of the owner's cost not to exceed \$7 \$5-00 per acre for 5-to-50 acres, plus \$3-00 per acre for each additional acre equal to or greater than 101 acres.

- h) Cost-share rate for reforestation and afforestation plans as defined in 17 Ill. Adm. Code 1537 shall be 75% of the landowner's cost not to exceed \$4 \$3-00 per acre.

- i) Fractional acres for all plans shall be rounded to the nearest acre for cost-share payment as follows: .01 to .49 acres will be rounded down and .50 to .99 shall be rounded up.

(Source: Amended at 22 Ill. Reg. 10473, effective JUN 01 1998)

## Section 1536.30 Planting Trees and Direct Seeding

The purpose of this practice is to establish a stand of forest trees for timber production purposes and compatible multiple uses and to provide general environmental benefits.

- a) The District Forester shall determine the suitability of the land for site preparation and tree planting, considering soil erodibility and

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the economic feasibility of soil stability practices such as timing of the practice and ground cover requirements.

- b) Cost-share rates for practices under Section 1536.30 will be 50% of the actual cost not to exceed the adjusted maximum fixed rate per acre for those lands which are accepted under the U.S. Department of Agriculture Conservation Reserve Program. The maximum fixed rate is determined by taking 75% of the average cost per acre within the State for eligible practices under this Part. The adjusted maximum fixed rate is determined by taking 50% of the average cost. All other lands not enrolled in the Conservation Reserve Program or other cost-share programs will be eligible for the 75% cost-share rate as established under this Section and Section 1536.10(h).

- b) Cost-sharing is not authorized for:

- 1) planting trees or direct seeding on less than 1 acre or planting less than 435 trees per acre unless specifically modified later under Section 1536.30(c)(2)(D)(iii) as approved by a District Forester.

- 2) planting or culture of fruit or nut orchards, Christmas trees or planting for ornamental, or landscaping or violation mitigation purposes. For the purposes of this subsection (b), "mitigation" means alleviation, reduction, abatement or diminution of a condition that is prohibited by State or federal law or regulation.

- 3) irrigation of planted trees.

- c) Cost-Share Rates/Specification:

- 1) Site Preparation - 75% of the actual cost not to exceed a variable amount ranging from \$30 \$25 to \$180 \$150 per acre, as determined by the plan plan preparer and approved by the District Forester. The plan plan preparer conducts a careful field inspection of current vegetation cover on the site to be prepared, and then uses categories and amounts in subsection (C)(1)(B) (b) to make a determination about the cost-share rate per acre.

- A) Cost-share categories and corresponding variable cost-share amounts shall be prorated per acre, per category, and shall be approved by the District Forester.

- B) Cost-share categories and variable Cost-share payments follow:

## Category

Variable Cost-Share  
Amounts Not to  
Exceed, Per Acre

- i) Vegetation or heavy residues which will cause some difficulty in normal planting.

\$25-00  
\$30



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- planting machines, augers or hand tools may be used.
- C) At least 90% of the conifer stock must be not less than 3/32 inch in caliper at 1 inch above the root collar (nursery soil line). At least 90% of the hardwood stock shall be 7/32 inch caliper at 1 inch above the root collar (nursery soil line). In addition to the standards above, hardwood stock purchased from private nurseries shall be ordered from the 12-18 inch category as described in the nursery's catalog or other written description.
- D) Spacing requirements are as follows:
- Plant seedlings plantings-on-open-land-are-to-be-made 6 to 12 feet apart in rows 6 to 12 feet apart. Plant at least 435 trees No-less-than-435-or-more-than-1000 trees-are-to-be-planted per acre.
  - Interplantings within wooded areas are to be spaced 6 feet apart or more in openings which receive partial or full direct sunlight.
  - Variations in these spacing and seedling density standards may be made to enhance an existing forest area or riparian area in accordance with written recommendations approved by the District Forester. Cost-share for planting of less than 435 trees per acre will be prorated using 435 trees as the basis.

- E) Stocking and replanting requirements:
- At least 300 of the planted trees, per acre, must be maintained throughout the practice lifespan.
  - Cost-share assistance for replanting will be available where losses are due to natural causes, such as heat, drought, flood, hail, and similar occurrences, if 70% of a stand is not obtained, or if a stand deteriorates to less than 70% within two growing seasons.

- 3) Direct Seeding Component
- The purpose of this practice is to extend limited supplies of plant materials and thereby to increase forestation.

- Direct seeding may be used in lieu of seedling planting, when approved by the District Forester as part of a Plan.
- As references for standards use: "Direct seeding of Southern Oaks - A PROGRESS REPORT", by Robert L. Johnson and Roger M. Krinard, Southern Hardwoods Laboratory, Stoneville, MS, Forest Service, USDA (1988) (no-later-editions-or-amendments-are-included); and the guidelines offered in Silvics of Forest Trees of the United States (1974), Agriculture Handbook 271, Forest Service, USDA, Washington, DC 20250. (No later editions or amendments are included.)
- This cost-share practice may be attempted a second time if through no direct fault of the landowner (i.e., drought, tornado, etc.) fewer less than 300 150 seedlings of

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- Sixty percent (60%) or more of area in sod and broad leaved herbaceous plants. Or to forty-percent-(40%) of area in light woody cover, stems two inches (2") or less diameter at ground line.
- More than forty-percent-(40%) of area occupied by woody vegetation, briars, vines, or woody stems two inches (2") diameter or less at ground line, but can include up to twenty-five-(25%) stems per acre greater than two inches (2") at ground line.
- More than forty-percent-(40%) of area occupied by woody vegetation greater than two inches (2") diameter at ground line; or more than twenty-five-(25%) stems per acre greater than two inches (2") diameter at ground line.

- C) This is limited to areas having undesirable vegetation vegetative-growth (such as grass sod, perennials and annual broadleaved plants and trees or shrubs brush-of-no-economic value). These areas which will be replanted to desirable tree species.

- D) Measures necessary to minimize erosion must be undertaken and plantings must be according to prescribed standards set forth in the approved plan forest-management-plan. Measures may include, but are not limited to, hand planting, machine planting on contour, establishment of temporary herbaceous cover, the use of herbicides for minimum disturbance of established cover and similar accepted practices as set forth in the approved plan forest-management-plan. Temporary herbaceous cover means oats, rye, wheat or similar grain.

- E) Removal may be undertaken mechanically with machinery including all normal farm tillage implements, chopping or sawing. Herbicides may also be used with mechanical measures or to replace mechanical measures.

- 2) Tree Planting (Trees and Labor) - 75% of the actual cost not to exceed \$95 \$48 for no-cost planting stock or \$280 \$210 for purchased planting stock, on-a per acre basis.
- Selected tree species and seed sources to be planted must be in accordance with the Plan plan.
  - Plantings must be made in accordance with the Plan plan. Tree



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acceptable growing stock per acre survive after one full growing season.

- D) If, after 2 full growing seasons there are fewer less than 300 150 seedlings of acceptable growing stock per acre, no further attempts to direct seed shall be made. However, tree planting must may be done per rules--outlined--in subsection (c)(2).

## E) Cost-share Rate and Specifications

- i) This practice shall pay 85% of the owner's cost not to exceed \$95 \$60 per acre for seed collected or purchased plus labor and any machinery use.
- ii) Seed shall be local source, within 25 miles of the seeding site. Or, if local seed is not available, seed shall be collected within an area described as 50 miles west of the Mississippi River, 50 miles north of the Illinois Wisconsin border, a north-south line extended along the eastern border of Ohio and 100 miles south of the Ohio River from-a-zone--within--100 miles--north--of-the-site--or--within--200-miles--south--of-the-site.

- iii) Measures to protect seed from predator pilferage shall be required when predator pilferage is identified as a problem.

- iv) Site preparation measures are best done before direct seeding. Additional treatments to introduce adequate sunlight and to reduce competition may be needed.

- v) Overstory removal may be required following establishment of seedlings - saplings.

- 4) Control of Undesirable Vegetation With Herbicides or Mulching - 75% of the actual cost not to exceed \$40 \$25-00 per acre with herbicides, \$60 \$50 per acre with mulch.

- A) The practice is limited to plantings that conform to specifications cited in Section 1536.30.

- B) Application of herbicides may be in either the liquid or granular form and may be pre-emergents or post-emergents or combinations of these types as approved by the District Forester. Application may be made as pre-plant, post-plant or at time of planting. If vegetation control is a component of the reforestation practice, it must be completed to qualify for reimbursement for site preparation and planting. Treated bands for hardwoods shall be 4 feet, spot treatments shall be at least 12 square feet. For conifers minimum band width is 2 feet, and spots of 4 square feet.

- C) Organic mulches may be used in combination with herbicides or in lieu of herbicides and must be used if required in the approved management Plan plan, to qualify for site preparation and planting payments. Minimum per seedling mulched area is 12 square feet with an initial depth of 4

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inches. Mulched areas must be pretreated by removing existing vegetation to expose mineral soil prior to applying the mulch. Weed control fabric (cloth) can be used if at least 9 square feet is used around each seedling.

- D) Herbicide or mulching applications must be made, if required in the Plan and included on the practice cost-share application plan, to qualify for site preparation and planting payments payment.

- E) Treatments for control of undesirable vegetation may will be cost-shared for a second and third application year as prescribed in the Plan plan and approved by the District Forester.

(Source: Amended at JUN 01 1998 22 Ill. Reg. 10473, effective JUN 01 1998)

## Section 1536.40 Fencing to Protect Forests and Plantations

- a) The practice is limited to building permanent fences needed to exclude livestock protect-forest-stands.

- b) The distance between posts or live trees must not exceed 1 rod (16.5 feet). Limited use of live trees is permitted, provided 2" x 4" nailing strips of durable wood are used between the wire and the tree. No assistance will be given for boundary fences or fences adjacent to roads.

- d) Cost-Share Rates/Specification - The cost-share amounts vary by type of fence constructed; however, the rate will be 75% of actual cost not to exceed these limits:

- 1) A woven wire fence must consist of at least a 26 inch woven wire with at least two strands of barbed wire on top - \$12 \$11-00 per rod.
- 2) A barbed wire fence must be at least three strands - \$11 \$10-00 per rod.
- 3) If other fence materials are used, all weather wood or native lumber highly resistant to decay may be substituted for barbed wire if required for certain domestic animals - \$12 \$10-00 per rod.
- 4) A suspension fence will consist of at least four strands of barbed wire with the distance between posts not to exceed 100 feet and sufficient wire spacers to prevent sagging - \$6 \$4-50 per rod.
- 5) A high-tensile fence will consist of at least 6 strands of wire with the distance between posts not to exceed 100 feet with sufficient droppers to maintain proper wire spacing - \$9 \$7-50 per rod.

(Source: Amended at JUN 01 1998 22 Ill. Reg. 10473, effective JUN 01 1998)

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by the District Forester. All other ~~FSI~~ treatment methods require use of approved herbicides.  
E) Harvesting practices and silvicultural systems as prescribed in the Plan must be followed.

F) Cost-Share assistance will not be given for any acre from which commercial products are being sold or traded in the process of carrying out the timber stand improvement practices.

2) Pruning Crop Trees (side branch pruning) - 75% of actual cost not to exceed \$75.958-00 per acre.

A) The District Forester must give prior approval of the practice area. Crop trees must be marked or otherwise designated and the methods must be described in writing.

B) In coniferous stands, the trees must have a minimum total height of 18 feet. All dead branches and all live branches up to one-half the total height of the trees must be pruned. Pruning to a total height of 17 feet is required where the trees are tall enough to meet this requirement. Not more than 100 final coniferous crop trees per acre, well distributed throughout the stand will be considered in determining the cost-share payment.

C) In deciduous stands, pruning to total height of 17 feet is required where trees are tall enough to meet the requirement of 34 feet. Pruned trees shall retain 40% to 50% of total height as live crown. Deciduous stands must have attained a minimum height of 12 feet to effect a minimum pruning height of 6 feet. Not more than 100 well distributed desirable crop trees per acre shall be selected and fine hardwood (white and red oak, black walnut, etc.) species will be given prime consideration. In order to reduce the risk of decay, prune no live limbs over 3 inches in diameter.

D) All pruning must be as close to the stem as possible without disturbing the branch bark ridge and branch collar.

E) Corrective pruning to influence tree form may be required in the Plan; but such pruning shall not be cost-shared unless undertaken along with side branch pruning.

(Source: Amended 22 Ill. Reg. 10473, effective 10/1/1998)

Section 1536.60 Firebreaks to Protect Forests

The purpose of this practice is to provide a practical and low cost way of affording protection to forests from damage by wildfire.

a) The lower branches of trees adjacent to firebreaks must be pruned to increase the effectiveness of the practice.

b) Cost-Share Rates/Specifications  
1) Firebreak construction - 75% of actual cost not to exceed \$1.50

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Section 1536.50 Tending Forest Stands Improving a Stand of Forest-Trees

Profitable production for timber, wildlife mast, or aesthetics can and environmental enhancement will result from the application of proper methods of thinning or releasing of desirable crop trees; removal of residual trees in regeneration-harvest, and by cutting of designated vines attached to desirable crop trees. Thinning, vine removal and pruning are methods to increase growth rates of the best crop trees. Vines some vines not on crop trees shall be retained for wildlife benefit.

a) Cost sharing will not be approved for area less than one acre or larger.

b) Improvement measures shall be carried out in such a manner as to improve or protect the quality of the environment, especially wildlife habitat, as described in the Plan.

c) Cost-Share Rates/Specifications  
1) Thinning/Crop Tree Release Improving a Stand of Forest-Trees - 75% of actual cost not to exceed \$45.941-00 per acre.

A) The District Forester must give prior approval of the practice area, and of the methods to be used based upon the density and condition of the trees, and the economic feasibility of the practice.

B) Work shall be done by cutting, girdling, and herbicide treatment of the surplus, diseased, cull or weed trees and by cutting designated vines attached to desirable crop trees. Thinning should release desirable tree species so as to leave per acre an adequately stocked stand composed predominantly of high ranked timber species, well distributed, as described in the Plan. Stocking guides and species rank shall be determined by use of the appropriate table in "Recommended Silviculture and Management Practices for Illinois Hardwood Forest Types", Illinois Technical Forestry Association (1972), Extension Forester, Illinois Cooperative Extension Service, University of Illinois, 110 Mumford Hall, Urbana, IL 61801 (no later editions or amendments are included).

C) Croptree management practice guidelines will follow the recommendations provided by "Croptree Management in Eastern Hardwoods" (Circa 1993), NA-TP-19-93, USDA Forest Service, Arlyn Perkey, Morgantown, WV (no later editions or amendments are included).

D) Herbicide treatment of stumps may be omitted when crop trees released are more than 20 feet tall. Herbicide treatment may also be omitted, if a double girdle is utilized. Double girdling shall be done only when stump sprouting will not be a serious problem. This method is described in Central Hardwood Notes, 6.10, August 1989 Northeastern Area, State and Private Forestry. USDA Forest Service. Both exceptions above must be approved in writing.



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per rod.

- 2) Firebreaks for the area shall be cleared to a minimum of 1 rod in width. (If erosion is a problem, place firebreaks on the contour, or construct the appropriate number of water bars to deflect flowing water.)
- 3) Firebreaks must be disced at least twice annually to keep vegetation from accumulating or as indicated in the Plan.

(Source: Amended at 22 Ill. Reg. 10473, effective JUN 01 1998)

## Section 1536.65 Reducing Wildlife Damage

Wildlife damage control is necessary at times to protect the investment in tree planting, direct seeding, or natural regeneration.

- a) This practice is limited to situations where the need for damage control is evident or highly probable based on wildlife population. Consultation with DNR and District Wildlife Biologists is advised.
- b) In addition to cost-share practices, other strategies to control wildlife damage must be included in the Management Plan and must be implemented with the cost-share practice.
- c) Strategies can include: Legal hunting, providing alternate habitats, planting of species not favored by a given wildlife species, eliminating mowing, or planting a companion species.

- 1) Tree shelters - 75% of the actual cost not to exceed \$1509±00 per acre. ~~The maximum number of tree shelters per acre is 257, 4-foot tall shelters, or a proportional number for other sizes.~~ The recommendation in the Plan as approved by the District Forester shall be followed. Requirements include:
  - A) Tree shelters shall be evenly distributed throughout each acre.
  - B) Shelters shall be maintained as installed for the life of the shelter or until they interfere with the growth of the tree. Shelters may be moved to other seedlings only if the original trees have died ~~tree is dead~~.
  - C) Durable rot resistant stakes must be used.
  - D) Nylon mesh caps or other approved barriers may be needed to prevent death of birds.
  - E) For protection from deer, 4 foot shelters meet minimum requirements.
  - F) 50 shelters per acre is the minimum.

- 2) Electric Fencing - 75% of the actual cost not to exceed \$0.5025 per foot. The purpose is to repel deer from forestation or natural regeneration sites, as follows:
  - A) VGR type fence wire, stainless steel enclosed in plastic is the preferred type. Other wire may be used, but must be marked with bright color at minimum intervals of 25 feet.
  - B) For maximum benefit the fence must be charged throughout the

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year so as to affect deer behavior.

- C) The service life of the fence shall be determined in the Plan or by separate written prescription.
- D) The fence should be installed prior to planting or at the time of planting to influence deer behavior.
- 3) Repellants - 75% of the actual cost not to exceed \$1595±00 per acre to protect forestation or natural regeneration sites.
  - A) Either scent or taste repellants may be used; the Plan shall prescribe specific types.
  - B) Lable directions on approved products must be followed. Renewal applications must be made in a timely manner, per the label.
  - C) The primary treatment shall be done by treatment of the central leader of the seedling.
  - 4) Bud or Growing Point Protectors - 75% of the actual cost not to exceed \$5 per acre. Such devices as mesh netting, tubes, or bud caps may be used to protect seedling plants. Installation of such devices shall be according to the manufacturer's recommendations and the written prescription in the Plan.

(Source: Amended at 22 Ill. Reg. 10473, effective JUN 01 1998)

## Section 1536.70 Site Preparation for Natural Regeneration

The purpose of this practice is to establish a stand of high value forest species through natural regeneration for timber production purposes and to protect and improve the environment. For guidelines on species preference, refer to the ITFA Guide, cited previously, in Section 1536.25(c).

- a) Cost-sharing is not authorized for areas of less than one acre.
- b) Cost-sharing is authorized for one additional regeneration treatment, by use of seed or seedlings on the area originally site prepared, if by uncontrollable circumstances, such as weather related problems, etc., natural regeneration fails to become established to the required stocking level.
- c) Cost-Share Rates/Specification
  - 1) Site preparation for natural regeneration - 75% 00% of actual cost not to exceed \$30, \$60, \$90, or \$180 925-\$507-\$757-or--\$150 per acre determined by the District Forester using the cost-share categories as described in Section 1536.30(c)(1)(B)(i) through (iv), as guidelines to determine an appropriate maximum cost-share amount.
  - 2) The goal is to obtain a 60-80% stocking level whereby a minimum of 20% to 40% of the available light reaches the forest floor, and other site factors are modified to enhance regeneration, by means of: reduction or elimination of competing vegetation, including unmerchantable or undesirable trees and brush, discing or tillage, use of foliar, cut surface, injected herbicides,



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Section 1536.100 Penalty

Each participant in this the State Cost-Share Program is responsible for complying with the terms and conditions on the agreement, and shall follow the provisions detailed in the plan forest--management--plan. Refund of all cost-share payments made will be required if the agreement is not followed and/or the practice is not maintained for its minimum lifespan. Each practice carries a 10 year life span starting on the date the practice was completed and approved by the District Forester. Refund checks should be made payable to the Illinois Department of Natural Resources. Participants who refuse voluntary repayment will be subject to liens filed against their property or withholding of State payments by the Comptroller of Illinois.

(Source: Amended at 22 Ill. Reg. 10473, effective JUN 01 1998)

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mechanical removal of shallow rooted species, prescribed burn, and other measures as prescribed in the plan forest--management plan.

3) A complete written prescription, in the plan plan or submitted as an addendum, must be approved by the District Forester prior to initiation of this practice. The prescription shall address the process outlined in "Regenerating Red Oaks" by Rod Jacobs, Silviculturalist, U.S. Forest Service, State and Private Forestry, St. Paul, Minnesota (1987) (no later editions or amendments are included). The prescription shall also address the "Elements of a Silvicultural Prescription" and the appropriate "Silvicultural Systems and Regeneration Methods" described in the "FORESTRY HANDBOOK" 2nd Edition, Edited by Karl F. Wenger, for the Society of American Foresters, 5400 Grosvenor Lane, Washington DC 20014 (1984) (no later editions or amendments are included).

4) Creation of suitable soil conditions for establishment of seedlings of desired species is particularly crucial for oak species. A reasonable expectation of seed deposition on the area to be regenerated must be imminent and abundant before site preparation is performed.

5) This practice should not be done more than 20 years prior to a scheduled regeneration cut.

(Source: Amended at 22 Ill. Reg. 10473, effective JUN 01 1998)

Section 1536.80 Appeal

a) Any landowner and/or timber grower whose plan plan or practice is not approved by the District Forester may appeal to the Regional Review Committee pursuant to 17 Ill. Adm. Code 2530. The Regional Review Committee is composed of the Regional Administrator, a District Forester from another district in the Region and the Forest Management Program Administrator Manager.

b) The appeal must be made within 30 days from the date that the plan plan or practice was disapproved by writing to the address in Section 1536.90.

c) The Regional Review Committee will conduct a meeting to receive written and oral arguments of the applicant and to reconsider the plan forest-management-plan and cost-share practices.

d) The Regional Review Committee will notify the applicant in writing within 30 days after of the meeting date stating the reasons for which the original decision is upheld or reversed.

(Source: Amended at 22 Ill. Reg. 10473, effective JUN 01 1998)

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- 1) Heading of the Part: Operation of Watercraft Carrying Passengers for Hire on Illinois Waters

2) Code Citation: 17 Ill. Adm. Code 2080

3) Section Numbers: Adopted Action:  
2080.50 Amendments  
2080.60 Amendments  
2080.75 New Section

4) Statutory Authority: Implementing and authorized by Sections 2-1, 2-2, 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9 and 8-3 of the Boat Registration and Safety Act [625 ILCS 45/2-1, 2-2, 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9 and 8-3].

5) Effective Date of Rulemaking: June 1, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date filed in Agency's principal office: May 29, 1998

9) Notice of Proposal Published in Illinois Register: February 27, 1998, 22 Ill. Reg. 4232

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version:  
2080.60(a)(4) - "Part" was deleted in two places

2080.75 - a comma was added following "Department" and "under the safety requirements set out in the Boat Registration and Safety Act [625 ILCS 45]" was added following "public use"

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part was amended to add provisions for the assurance that small rental boats handled through concessions are safe for use by the public and add a Section requiring that renters provide the department with a statement each year when their license to operate is renewed certifying that their boats are safe for rental use.

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- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price  
Department of Natural Resources  
524 S. Second Street, Room 430  
Springfield, IL 62701-1787  
217/782-1809

The full text of the Adopted Amendments begins on the next page:

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TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER e: LAW ENFORCEMENT

PART 2080  
OPERATION OF WATERCRAFT CARRYING PASSENGERS  
FOR HIRE ON ILLINOIS WATERS

- Section
- 2080.10 Introduction
- 2080.20 Definitions
- 2080.30 Applicability
- 2080.40 Dry Dock Inspection
- 2080.50 Docksides Inspection
- 2080.60 Licensing Requirements
- 2080.70 License and Decal
- 2080.75 Rental Boats
- 2080.80 Misuse of License or Decal
- 2080.90 Suspension and Revocation of Decals and Licenses

AUTHORITY: Implementing and authorized by Sections 2-1, 2-2, 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9 and 8-3 of the Boat Registration and Safety Act [625 ILCS 45/2-1, 2-2, 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9 and 8-3].

SOURCE: Adopted at 20 Ill. Reg. 15697, effective December 2, 1996; amended at 22 Ill. Reg. 10491, effective JUN 01 1998.

Section 2080.50 Docksides Inspection

- a) Annual Inspection  
All watercraft subject to this Part shall be inspected annually under the provisions of this Section, except as provided in Section 2080.40 of this Part.
- b) Inspection Procedures for Watercraft Carrying More Than Six Passengers  
For Hire, as defined by the United States Coast Guard in 46 CFR Subchapters T, K, K', and H.  
The owner of a vessel shall, at the docksides inspection, submit his vessel for inspection by a marine inspector and shall operate or cause to be operated all equipment and systems to the extent necessary to determine that the vessel is being maintained and operated in accordance with good marine practices and standards, and the condition of the vessel structure, equipment and systems are satisfactory for safe and constant operation.
- c) Main Engine Gauges - Inboard or Inboard/Outboard (sterndrive)
  - 1) On vessels designed for inboard or inboard/outboard (sterndrive) main engines, both of the following gauges shall be present.
    - A) A gauge to indicate main engine cooling water temperature

- for each main engine. A gauge shall be readable from each helm position.
- B) A gauge to indicate main engine lubrication oil pressure for each main engine. A gauge shall be readable from each helm position.
- 2) All gauges installed on a vessel shall be in good and serviceable condition.

- d) Personal Flotation Devices
  - 1) At least one Coast Guard approved, wearable type personal flotation device of a proper size for each person, including the crew, shall be provided and carried onboard. Each device shall be inspected at the docksides inspection.
  - 2) Each wearable type personal flotation device carried aboard the vessel shall have affixed to it, in a suitable manner, 200 square centimeters (31.5 sq. in.) of Coast Guard approved retro-reflective material to the outside front of each device and 200 square centimeters (31.5 sq. in.) to the outside back inside of each device.
  - 3) Personal flotation devices shall be carried in suitable locations which are readily accessible to the passengers onboard. The locations shall be designed to allow the devices carried to float free when practical.
  - 4) When personal flotation devices are carried so that they are readily accessible, but not readily visible to the passengers, the container shall be marked "LIFE PRESERVERS" and the number of devices contained therein shall be listed. The letters and numbers shall be at least 1 inch high and shall be a color contrasting to the color of the container. The container shall also indicate the size of the devices contained therein. Differing sizes shall be separately stored.
  - 5) On documented watercraft, all required personal flotation devices shall be marked with the vessel's name in characters at least 1 inch high in a color contrasting to the color of the device.
  - 6) On undocumented watercraft, all required personal flotation devices shall be marked with the watercraft's registration number in characters at least 1 inch high in a color contrasting to the color of the device.
  - 7) Aboard each watercraft shall be a Type IV personal flotation device, which shall comply with all of the following requirements:
    - A) Be readily accessible in a suitable location.
    - B) Have attached not less than 50 feet of line.
    - C) Be marked as required by subsections (d)(5) and (d)(6) of this Section.
  - 8) When the inspector determines that any personal flotation device required to be carried on board a vessel is not in good and serviceable condition, the owner of the vessel shall permit the marine inspector to note, in writing, on the personal flotation



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device that the device is no longer serviceable. The owner of the vessel shall replace the non-serviceable devices immediately and such defective devices shall be replaced prior to further use of the vessel.

## e) Fire Fighting Equipment

- 1) A vessel shall be equipped with a U.S. Coast Guard approved portable fire extinguisher which shall be located accessible to helmsman's position.
- 2) All fire extinguishers shall be examined monthly to make certain that they have not been tampered with and have not suffered corrosion or damage.
- 3) All foam extinguishers shall be discharged, cleaned, and inspected for mechanical defects or serious corrosion and recharged annually.
- 4) All dry chemical extinguishers shall be kept full with the specified weight of chemical at all times. The cartridge shall be reweighed annually. It shall be recharged if the cartridge is found to weigh less than the minimum weight stamped thereon, or when the pressure is below prescribed operating limits.
- 5) All carbon dioxide extinguishers shall be reweighed annually, and a cylinder found lighter than the weight indicated on the name plate shall be recharged.
- 6) Maintenance required in subsections (d)(2) through (5) of this Section shall be performed by a qualified fire fighting equipment repair service.

## f) First Aid Kit and Emergency Procedures List

- 1) A minimum of one first aid kit containing at least 16 units shall be provided and maintained onboard the watercraft.
- 2) An emergency procedures list shall be posted aboard the vessel in a conspicuous location. The list shall set forth, at a minimum, all of the following informational items:
  - A) Radio Procedure (if a marine radio is required under subsection (i))
    - i) Switch to Channel 16;
    - ii) Call the Coast Guard;
    - iii) Give boat name, registration number, radio call sign;
    - iv) Identify the boat size, description, and color;
    - v) Give your location or compass heading to a known point; and
    - vi) Describe the emergency.
  - B) Leaks or Damage Control
    - i) Put on life jackets (PFD), open deck hatches, look for leaks;
    - ii) Start bilge pump, get manual pumps or buckets;
    - iii) Shut off engine only if leak may be from engine hoses;
    - iv) If hull is damaged and engine is inboard (not stern drive), shut off engine, close sea cock, disconnect intake water hose, place end in bilge, restart engine

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to act as bilge pump.

## C) Fire or Explosion

- i) Be ready to go overboard with personal flotation device (life jacket);
- ii) Reduce air to fire area - leave hatches closed, close doors, shut off electric supply;
- iii) Use extinguisher, if possible;
- iv) Jettison burning material, if possible;
- v) Use radio procedure above, calling "MAYDAY, MAYDAY, MAYDAY";
- vi) Prepare to abandon ship, get signal flares or flags, throw flotation material overboard;
- vii) If you abandon ship, stay together, use distress signals when help is in sight, gather additional flotation material around you.

## D) Man Overboard

- i) Shout "MAN OVERBOARD" - continuously watch person in the water, point direction so skipper can maneuver to retrieve;
- ii) Stop engine (propeller rotation) if person overboard is near the boat;
- iii) Throw life ring, seat cushion, or marker light in the area of the person;
- iv) Do not jump into the water to assist.

## g) Visual Distress Signals

- 1) A vessel which operates on navigable waters of this State, Carlyle Lake, Lake Shelbyville, or Rend Lake shall have onboard the appropriate number and type of U.S. Coast Guard approved visual distress signals as are required for that vessel if it were operated on Lake Michigan.
- 2) All pyrotechnic aerial red flares and pyrotechnic hand-held or floating orange smoke shall be U.S. Coast Guard approved and shall not have passed the expiration date printed on the device.
- 3) A person shall not display a visual distress signal on the waters of the State, except in an emergency.
- 4) A vessel shall have onboard at least one portable battery-operated light (flashlight), powered by D-cells or larger size batteries, which is in good and serviceable condition and readily accessible.
- h) Cooking and Heating Appliances
  - 1) Cooking appliances aboard a watercraft shall be operated only by the owner, the operator, or a crew member.
  - 2) Cooking and heating appliances, when present on a watercraft, shall be of a type commonly manufactured for use aboard watercraft.
  - 3) Cooking and heating appliances, when present on a watercraft, shall be installed in adequately ventilated areas and shall be secured to the vessel.

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- of navigation of vessels carrying passengers for hire, under the provisions of 46 CFR Subchapters T, K, K', and H.
- 2) Licensed operators shall only be authorized to operate vessels designated by the license, and on bodies of water so designated on the license.
  - 3) The license shall be kept in full force and effect and conspicuously displayed and shall be framed under transparent material. Where posting is impractical, the license shall be carried onboard to be shown on demand.
  - 4) All persons operating watercraft carrying passengers for hire on the navigable waters of this State shall carry on board the vessel at all times proof of compliance with U.S. Coast Guard Drug Testing Regulations (46 CFR 16 and 49 CFR 40).
  - b) Inland Waters  
No U.S. Coast Guard license, as described in subsection (a), shall be required for watercraft operating solely on inland waters.
- (Source: JUN 01 1998 at 22 Ill. Reg. 10491, effective 10491)

Section 2080.75 Rental Boats

The operators of boat rental services shall provide to the Department, each time their license is renewed, a statement certifying that each boat offered for rent is of sound construction and is safe for use on the water. All rental boats shall be subject to periodic, unannounced inspections by the Department to ensure that they are being suitably maintained for safe public use under the safety requirements set out in the Boat Registration and Safety Act [625 ILCS 45].

(Source: Added at 22 Ill. Reg. 10491, effective 10491)

- i) Marine Radio and Compass
  - 1) A vessel which operates on the navigable waters of this State shall have onboard a marine band radio which is in good working condition--and--shall--be--in--possession--of--a--valid--Federal Communications-Commission-radio-license-for-that-vessel.
  - 2) A vessel which operates on the navigable waters of this State shall have onboard a suitable marine-type compass which is in good and serviceable condition.
- j) Toilet and Sanitary Facilities
  - 1) All watercraft, except open boats and watercraft where suitable privacy enclosures are not practical, shall be equipped with one marine toilet. The toilet shall be connected to a permanently installed holding tank, which allows for dockside pumpout at approved sanitary disposal facilities.
  - 2) The use of Y valves or other means which would allow for overboard discharge directly or indirectly into the waters of the State is prohibited.
  - 3) Marine toilets shall be maintained in a serviceable and sanitary condition.
- k) Anchor and Anchor Line
  - 1) A vessel shall be equipped with one anchor of a suitable size and type, and an appropriate length of suitable anchor line which is readily available onboard the vessel, except that a vessel operating on the waters of Lake Michigan shall be equipped with not less than 150 feet of suitable anchor line.
  - 2) Any line, when attached to the required anchor, shall be attached by eyesplice, thimble, and shackle.
- l) Inspection Procedures for Watercraft Carrying Not More Than Six Passengers, as defined by the United States Coast Guard
 

The owner of a vessel shall, at the dockside inspection, submit his vessel for inspection by an independent certifier and shall operate or cause to be operated all equipment and systems to the extent necessary to determine that the vessel is in compliance with subsections (d) through (k).
- m) Inspection Exemption
 

Watercraft registered in another state which have been inspected under similar provisions in that state shall not be required to be inspected under the provisions of this Section.

(Source: JUN 01 1998 at 22 Ill. Reg. 10491, effective 10491)

Section 2080.60 Licensing Requirements

- a) Navigable Waters (U.S. Coast Guard License)
  - 1) All persons operating watercraft carrying passengers on the navigable waters of this State shall have a license issued to them by the United States Coast Guard authorizing the operation

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- 1) Heading of the Part: Licensing of Radon Detection and Mitigation Services
- 2) Code Citation: 32 Ill. Adm. Code 422

<u>Section Number:</u>	<u>Adopted Action:</u>
422.10	New Section
422.20	New Section
422.30	New Section
422.40	New Section
422.45	New Section
422.50	New Section
422.60	New Section
422.70	New Section
422.80	New Section
422.85	New Section
422.90	New Section
422.100	New Section
422.110	New Section
422.120	New Section
422.130	New Section
422.140	New Section
422.150	New Section
Appendix A	New Section
Appendix B	New Section
Appendix C	New Section
Appendix D	New Section

- 4) Statutory Authority: Implementing and authorized by the Radon Industry Licensing Act [420 ILCS 44] (see P.A. 90-262, effective July 30, 1997).

- 5) Effective Date of Rules: June 1, 1998

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does these rules contain incorporations by reference? Yes

- 8) Date filed in Agency's Principal Office: May 29, 1998

- 9) Notice of Proposal Published in the Illinois Register: February 13, 1998 (22 Ill. Reg. 3338)

- 10) Has JCAR issued a Statement of Objections to these Rules? No

- 11) Differences between proposal and final version:

- 1) In line 24, deleted "Determining the Need for Mitigation in Homes" and added "Home Environment Measurements Not Involved in a Real Estate Transaction".

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- 2) After line 25, added "Appendix B Recommended Testing Strategy for Real Estate Transactions".
- 3) In line 26, changed "Appendix B" to "Appendix C".
- 4) In line 27, changed "Appendix C" to "Appendix D".
- 5) After line 33, added "NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses and subscript are denoted by brackets."
- 6) After line 51, added "Altering means to change or modify a building or building design, or to revise, rather than repair, a mitigation system or mitigation system design."
- 7) In line 70, added after "hardens." "It is most important that a sealant only adhere to the two sides of the joint and not the base of the joint (third side). Adhesion to all three sides will prevent the sealant from elongating properly and will cause sealant failure."
- 8) After line 77, added "Category I CE Credits" means those continuing education credits received for documented successful completion of approved CE courses or for instructing an approved CE course."
- "Category II CE Credits" means those continuing education credits received for documented participation in approved professional meetings, seminars and conferences."
- 9) In line 84, added "for measurement or" after "contracts".
- 10) In line 85, changed "licensee to install a radon reduction system in a building" to "services".
- 11) After line 110, added "'Dwelling" means a single family home or a single unit within a multiple family complex."
- 12) After line 120, added "'Laboratory" means any organization that: analyzes detectors and produces an analysis report as from continuous radon (CR) or working level monitors (CW), the grab activated charcoal (GC) method, scintillation cells (GS), or the grab working level (GW) method;
- analyzes and produces an analysis report as from alpha track detectors (AT), activated charcoal absorbers (AC), charcoal liquid scintillation devices (LS), pump collapsible bag devices (PB), radon progeny integrated sampling units (RP) and unfiltered track detectors (UT); or



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- 23) In line 255, deleted "testing,"; changed "and/or" to "measurement or".
- 24) After line 308, added "AGENCY NOTE: The Department shall accept as the filing date for an application that is received by mail the date that it is postmarked by the United States Postal Service. If an application is received by the Department in any other manner, the filing date of that application will be the date it is received by the Department."
- 25) In line 342, changed "2 years part-time radon measurement" to "Documented work history approved by the Department demonstrating completion of 50 radon measurements".
- 26) In line 343, changed the period to a semicolon.
- 27) In line 344, changed "1 year full-time radon measurement" to "No experience. A six-month probationary period performance audit will be performed by the Department".
- 28) Deleted text from subsection (2) and renumbered subsections (3), (4) and (5) to subsections (2), (3) and (4) in lines 381-390.
- 29) In line 399, added after "Department;" "or".
- 30) In line 400, changed "2 years of part-time radon mitigation" to "Documented work history approved by the Department demonstrating completion of 50 radon mitigation installations".
- 31) Deleted "C) 1 year full time radon mitigation".
- 32) In line 414, changed "design" to "designs".
- 33) In lines 415-416, changed "will be included, along with" to "and".
- 34) In line 416, changed "will be described" to "shall be included".
- 35) Deleted text from subsection (2) and renumbered subsections (3), (4) and (5) to subsections (2), (3) and (4) in lines 482-491.
- 36) In line 443, changed "60" to "30".
- 37) In line 535, changed "30" to "45".
- 38) In line 537, added ", after "building"; deleted "or".
- 39) In line 538, added "or the client" after "representatives."

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- exposes radon measurement devices to known radon concentrations, as in a radon chamber."
- 13) After line 156, added "'NIST" means the United States Department of Commerce, Technology Administration, National Institute of Standards and Technology (formerly National Bureau of Standards)."
- 14) After line 156, added "'Passive New Construction System" means a system installed in new construction that relies solely on the convective flow of air upward in the vent pipe for sub-slab depressurization and consists of a vertical vent pipe routed through conditioned space from the suction pit to 12 inches above the roof."
- 15) After line 185, added "'Real Estate Testing" means short-term measurements that may be requested by a party not residing in the dwelling and that are performed in, or as a result of, in expectation of, a real estate transaction and are time-limited due to this transaction."
- 16) After line 195, added "'Skeletal New Construction System" means a system installed in new construction that is designed for the installation of a vent fan and may consist of multiple vent pipes, including vertical and angled runs not necessarily routed through conditioned space, that may be joined to a single termination above the roof or may terminate separately above the roof."
- 17) In line 213, added "(SMD)" before the close quote.
- 18) In lines 218 and 222, added "'(SSD)" after "Depressurization".
- 19) In line 230 deleted "the concentration of radon progeny that"; deleted remainder of the text in lines 231-233 and replaced with: "any combination of short-lived radon progeny in 1 liter of air that will result in the ultimate emission of 1.3 x 10(5) MeV of potential alpha particle energy. The short-lived radon progeny are for radon-222, polonium-218, lead-214, bismuth-214 and polonium-214."
- 20) In line 246, changed "building that" to "dwelling in which".
- 21) In line 247, added "resides" after "person"; deleted the rest of the text.
- 22) In line 252, changed "Persons who only sell or distribute radon sampling devices but" to "Retail stores that only sell or distribute radon sampling devices but are not engaged in a relationship with the client for other services such as home inspection or representation as in a real estate transaction and that".

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- 40) In line 546, changed "0.33" to "0.3".
- 41) In line 552, changed "monthly" to "annually".
- 42) In line 563, added "working" after "5".
- 43) After line 564, added "n) Mitigators shall not perform radon measurements before or after the installation of a mitigation system at the same address as the mitigation installation."
- 44) In line 575, changed "units" to "credits"; added "(8 Category II)".
- 45) In line 576, changed "units" to "credits".
- 46) In line 577, changed "units" to "credits"; added "(8 Category II)".
- 47) In line 578, changed "units" to "credits".
- 48) After line 578, added "AGENCY NOTE: All applicants for individual licenses shall provide evidence of participating in an approved program of continuing education as indicated in this subsection (a). All credits are Category I, unless otherwise noted. Category I can be substituted for Category II."
- 49) In line 584, changed "units" to "credits".
- 50) In line 585, added after "courses," "teaching approved courses, and by documented attendance at".
- 51) In line 592, changed "units (CEUs)" to "credits (CECs)".
- 52) In line 597, changed "(CEUs)" to "(CECs)".
- 53) After line 695, added "AGENCY NOTE: A school employee may, upon application for a professional license, have the fee waived and his/her practice limited to his/her employer's facilities."
- 54) In line 702, deleted "on a form to be specified" and added a period after "basis".
- 55) Deleted line 703.
- 56) After line 708, added "c) All licensees shall report apparent non-compliance with either the Radon Industry Licensing Act or this Part to the Department in writing upon discovery."
- 57) In lines 791-793, changed "bathrooms without prior written and signed release from the resident acknowledging the potential adverse impact

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- of making measurements in such a location." to "other areas of high humidity."
- 58) In lines 799-801, added", or" after "outside"; deleted "and"; added after "ducts" ", and out of the direct flow of air from the ventilation duct".
- 59) In line 803, changed "Twenty to thirty inches" to "At least 20 inches to six feet".
- 60) In line 806, changed "4" to "Four".
- 61) In line 809, added after "be" "at least 20 inches to"; deleted "to eight".
- 62) In line 821, after "conditions" added ". In tests lasting more than seven days and less than 90 days, closed house conditions shall be maintained as much as possible while the test is in progress".
- 63) In line 834, added after "hoods" ",,".
- 64) In line 835, deleted "and"; added after "fans" "and other mechanical systems that draw air out of the building".
- 65) In line 844, deleted "and any basement to first floor".
- 66) After line 875, added "AGENCY NOTE: The National Weather Service defines a severe storm as a storm that generates winds of 58 mph, and/or 3/4-inch diameter hail and that may produce tornadoes -- not necessarily in that order."
- 67) In line 883, deleted "client"; added "person who controls the building in accordance with subsections (d)(1) and (2) of this Section".
- 68) In line 897, added "to the client" after "reported".
- 69) In line 903, changed "B" to "C".
- 70) In line 908, changed "two" to "a minimum of 2".
- 71) In line 964, deleted "Short-term measurement exposure time shall be in increments of 24 hours plus or minus 1 hour for each day of exposure. This means that a three-day test could be exposed from 69 to 75 hours. The exposure time shall not be less than the manufacturer's or supplier's".
- 72) In line 966, changed "subsections" to "subsection".

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implementing/operating procedures".

86) In line 1286, added after "detector" "system".

87) In line 1295, changed "electrets" to "electret detector systems".

88) In lines 1298-1299, changed "As a minimum, manufacturers and suppliers of electret service shall be as follows: A) to "Every short-term and long-term electret system and the electret reader are calibrated.".

89) After line 1303, added "4) As a minimum, laboratories performing electret calibration services shall:."

90) In line 1306, changed "B)" to "A)"; changed "A" to "Expose a"; deleted "shall be "exposed".

91) In line 1308, changed "C)" to "B)"; changed "The" to "Ensure a"; deleted "shall be".

92) In line 1311, changed "4)" to "5)".

93) In line 1323, changed "5)" to "6)".

94) In lines 1345, 1375, 1470, 1507, 1569 and 1578 changed "5 percent" to "a statistically significant number".

95) In line 1472, deleted "or supplier".

96) In lines 1528-1530, changed "approved procedures conforming to the procedures identified in the operating manual for the instrument" to "manufacturer's instructions".

97) Deleted lines 1529-1530.

98) In line 1561, changed "TLD" to "thermoluminescent dosimeters (TLD)".

99) In line 1576, changed "ATD-type" to "AT-type".

100) In line 1619, changed "NBS-traceable" to "NIST-traceable".

101) In line 1634, changed "conduct a follow-up inspection of any" to "be responsible for all".

102) In line 1636, changed "insure" to "ensure".

103) In line 1637, capitalized "mitigation standard".

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73) In lines 969 and 975, changed "client" to "buyer, seller, occupant, real estate professional or other individual in control of the property".

74) In line 985, changed "C" to "D".

75) In line 1056, added after "doors" "with associated hardware shall be installed prior to testing".

76) After line 1066, added "11) Occupied homes shall be tested with the HVAC system operating in the normal temperature range for the family. Unoccupied homes shall be tested with the HVAC system set and operating in the range of 68-72 degrees F."

77) In lines 1144, changed "Consumers" to "Clients".

78) In lines 1142 and 1143, changed "customer" to "client".

79) In line 1146, added "of this Part" after "Section 422.140".

80) In lines 1151 and 1154, changed "30" to "45".

81) In line 1182, changed "A" to "Measurement Professional licensees shall provide a".

82) In lines 1193-1195 changed "5 days shall not be made during major weather events such as high winds (30 mph or greater)." to "96 hours shall not be conducted during severe storms or periods of high winds (30 miles per hour or more). Radon Measurement Professional licensees shall check and document local weather forecasts prior to placing short-term measurement devices when the measurement period is less than 96 hours. AGENCY NOTE: The National Weather Service defines a severe storm as a storm that generates winds of 58 mph, and/or 3/4-inch diameter hail and that may produce tornadoes -- not necessarily in that order."

83) In line 1206, added "or any change that disturbs the normal airflow of the building" after "systems".

84) In line 1231, added "with" after "accordance".

85) In line 1251, changed "shall be measured for 5 percent of unexposed ATs for each batch of ATs and this measure shall be established by each laboratory or supplier approved by the Department" to "for each batch of ATs shall be established by each laboratory licensed by the Department. Laboratories shall measure the background of a statistically significant number of unexposed ATs that have been processed according to the licensee's quality assurance program



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- 104) In line 1640, changed "." to ", " after "precedence".
- 105) In lines 1641-1645, changed "However, where compliance with local codes necessitates a deviation from the MS, the licensee shall report the deviation in writing to the Department within 30 days after the completion of the mitigation" to "except that the municipal codes shall not take precedence with regard to alterations that may adversely impact the radon reduction functions for which such systems were originally designed and may adversely impact public health and safety regarding exposure to a radioactive element."
- 106) In line 1649, added after "Section" "Altering radon mitigation systems does not include activities such as replacing worn out equipment or providing new filters, while leaving the remainder of the system unchanged. When a mitigation system that does not comply with this Part is altered after June 1, 1998, the client shall be notified in writing that the mitigation system does not comply with the mitigation standards of this Part. In addition, the professional licensee shall provide a written estimate of upgrades needed and the cost to bring the system into compliance."
- 107) In lines 1672-1676, changed "deviating from the mitigation standards in this Part shall notify the Department in writing 7 working days prior to the commencement of work. This standard is not intended to inhibit research and evaluation of innovative radon techniques." to "installing research or innovative radon techniques or otherwise deviating from the mitigation standards in this Part shall notify the Department in writing 7 working days prior to the commencement of work."
- 108) In line 1678, added after "(4.0 pCi/L)." "Written notification to the Department shall include:".
- 109) In line 1683, changed "mitigation design bases, design," to "technical bases for the mitigation design".
- 110) In line 1697, changed "provide to" to "shall have available for".
- 111) In line 1700, deleted "temporarily".
- 112) In line 1737, changed "load bearing" to "all".
- 113) In line 1759, added a period after "p".
- 114) In line 1763, deleted ", as a minimum," after "items".
- 115) In line 1782, changed "(1)" to "(3)".

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- 116) In lines 1787-1790, changed "Vent pipes shall be sized so that velocity through the pipe is low enough (less than 1000 to 1500 feet per minute or less than 90 to 130 cubic feet per minute in a 4-inch diameter pipe)" to "The main run of vent pipe, from primary suction point to exhaust, shall be 3 inches in diameter".
- 117) In line 1813, deleted after "wall" "or" and added ", "; deleted ", " and added "or ceiling" after "floor".
- 118) After line 1815, added "AGENCY NOTE: An example of a protected penetration would be the installation of a fire collar on a vent pipe penetrating a ceiling."
- 119) In line 1819, changed "Submersible sump pumps" to "Sump pits"; added "not" between "shall be"
- 120) In lines 1820-1823, changed "when installing radon mitigation systems that use sump pits as the suction point for active soil depressurization" to "used as the primary suction point for mitigation systems, unless in accordance with subsection (c)(5) of this Section. When the sump pit is used as a secondary suction point, a submersible pump shall be installed in the sump pit".
- 121) In line 1824, changed "Passive System Installation in New Construction" to "Passive or skeletal new construction systems are not required components of new building construction, except as included in municipal building codes. Mitigation systems installed in new construction must be performed by a licensed mitigation professional."
- 122) Deleted subsections (2) (A) through (S).
- 123) In line 1834, changed "radon vent pipes" to "secondary suction points".
- 124) In line 1837, changed "pump" to "pit".
- 125) In line 1846, changed "in" to "on".
- 126) In line 1877, added "highest" between "the eave"; add after "roof" "and as close to the roof ridge line as possible".
- 127) In lines 1898-1899, changed "in or on the discharge line to prevent outside air from entering the system while allowing water to flow out of the system" to "if diagnostic testing indicates that outside air is entering the system".
- 128) Deleted subsection (4) (B).

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- 141) In line 2022, deleted the comma.
- 142) In line 2023, changed "unaccessible" to "inaccessible. When crawlspace depressurization".
- 143) In line 2032, changed "Electric" to "Electrical"
- 144) In line 2043, added after "circuit." "Electrical disconnects shall be installed within line of sight and within 4 feet of the fan. Exteriorly, plugged"; deleted "plugged"; deleted "not"; deleted "outdoors"; added after "used" "only inside of weather-proofed fan housings or weather-proofed chases".
- 145) In line 2117, changed ", rated for 125 psi service (American Society for Testing Materials (ASTM) D-1785 or 2665; F-891-90), schedule" to "Schedule" before "40 PVC".
- 146) In line 2120, added after "Exteriorly," "Schedule 40"; inert after "or" 3-inch by 4-inch".
- 147) In line 2123, added after "pipes" "except as noted in subsection (h)(3)(A) of this Section".
- 148) Deleted the Agency Note after subsection (G).
- 149) In line 2144, added after "wood" "that comes into direct contact with the soil or concrete and is".
- 150) In line 2150, deleted "radon mitigation" after "depressurization".
- 151) In line 2151, deleted "suitable to the client" after "mechanism".
- 152) In line 2164, changed "at a level suitable to the client above the suction pit, the electrical service entrance panel, and on other prominent locations" to "next to the manometer".
- 153) In line 2165, deleted "to the client".
- 154) In line 2167, changed "and" to "the" before "Illinois".
- 155) In line 2173, deleted "- Do Not Tamper With This Pipe"; add "Fans mounted outdoors and exterior vent pipe shall be labelled "Radon Reduction System" in a weatherproof manner".
- 156) In line 2178, deleted "- Do Not Tamper"; add "Fans mounted outdoors and exterior vent pipe shall be labelled "Radon Reduction System" in a weatherproof manner".

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- 129) In line 1904, changed "C" to "B)".
- 130) In line 1912, changed "D)" to "C)".
- 131) In line 1916, changed "E)" to "D)".
- 132) In line 1919, changed "F)" to "E)".
- 133) In line 1922, changed "G)" to "F)".
- 134) In lines 1931-1940, changed "To provide optimum pressure field extension of the sub-slab communication zone, 12 to 20 gallons or 1.5 to 2.5 cubic feet of sub-slab strata shall be excavated from the area immediately below the slab penetration point of SSD system vent pipes." to
  - "A) Materials shall be excavated from the area immediately below the slab penetration point of SSD system vent pipes to provide optimum pressure field extension.
  - B) Sump pits shall not be used as the primary suction point for mitigation systems. When the sump pit is used as a secondary suction point, a submersible pump shall be installed in the sump pit.
  - C) Sump pit covers shall permit observation of conditions in the sump pit."
- 135) In line 1949, added after "shall" "incorporate a viewport to permit observations of conditions in the sump pit,".
- 136) In line 1951, changed "plexiglas and" to "clear polycarbonate, and be"; add after "sealing" "and to support the weight (not to exceed 155 pounds) of an individual standing on the cover".
- 137) In line 2004, added after "sealed" "in a permanent air tight manner using compatible glues".
- 138) In line 2009, added after "walls" "with furring strips and sealant".
- 139) In lines 2012-2014, changed "access doors and other openings between the basement and the adjacent crawlspace shall be closed and sealed" to "a soil gas retarder membrane shall be installed in accordance with subsection (h)(6)(G) of this Section".
- 140) In line 2021, deleted "When", changed "crawlspace" to "Crawlspace" and deleted ", i.e.,".

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157) In line 2189, added "Reduction" between "Radon System"; changed "." to ".".

158) Deleted text in lines 2190-2217 and replaced with:

"12) Post Installation Checklist

A) Upon completion of the installation of any radon mitigation system, the licensee shall complete the following steps, and document them on an installation check sheet that shall be signed and dated by a licensed individual employed by the professional licensee and shall become auditable evidence.

- i) Re-examine and verify the integrity of the fan mounting seals and all joints in the interior vent piping.
- ii) Verify suction or flows in the system piping or ducting to assure that the system is operating as designed.
- iii) Test for backdrafting of any natural draft combustion appliances.
- iv) Advise the client to retest the building at least every 2 years or if the building undergoes significant alteration.
- v) Request a copy of the report of any post-mitigation testing conducted by the client or by a Radon Measurement Professional licensee.

B) Radon Mitigation Professional licensees shall inform the client in writing that post-mitigation testing should be conducted no sooner than 24 hours nor later than 30 days following completion and activation of the mitigation system and that the test may be conducted by an independent radon measurement professional or by the resident of the dwelling."

159) After line 2217, added a new 13:

" 13) Post-Mitigation Testing

A) Evaluate the effectiveness of the mitigation system using an approved test device to assure the system is performing as designed.

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B) Post-mitigation tests shall be performed in accordance with the applicable requirements of Section 422.130 of this Part."

160) In line 2225, changed "13)" to "14)".

161) In line 2274, Appendix A, changed the title to "Recommended Testing Strategy for Home Environment Measurements Not Involved in a Real Estate Transaction".

162) Added Appendix B "Recommended Testing Strategy for Real Estate Transactions".

163) In line 2285, changed "Appendix B" to "Appendix C".

164) In line 2300, changed "Appendix C" to "Appendix D".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these rules replace an emergency rule currently in effect? Yes

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rules: This rule will replace an emergency rulemaking which became effective January 1, 1998, for a maximum of 150 days. This rule will provide: (1) minimum qualifications for licensure; (2) application and inspection fee schedules; (3) measurement protocols; (4) mitigation standards; (5) quality assurance requirements; (6) disciplinary action; and (7) continuing education requirements.

16) Information and questions regarding these adopted rules shall be directed to:

Thomas J. Carlisle  
Senior Staff Attorney  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, Illinois 62704  
(217) 785-9884 (voice)  
(217) 782-6133 (TDD)

The full text of the Adopted Rules begins on the next page:



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- b) The Part also establishes licensing requirements for laboratories that perform analysis of radon and radon progeny detection or measurement devices.
- c) Nothing in the Radon Industry Licensing Act [420 ILCS 44] or this Part shall be construed to limit or affect in any respect the practice of persons properly licensed under other statutes or regulations with respect to their professions.

Section 422.20 Definitions

As used in this Part:

"Act" means the Radon Industry Licensing Act [420 ILCS 44].

"Altering" means to change or modify a building or building design, or to revise, rather than repair, a mitigation system or mitigation system design.

"Backdrafting" means a condition where the normal movement of combustion products up a flue, resulting from the buoyant forces on the hot gases, is reversed, so that the combustion products can enter the house. Backdrafting of combustion appliances (such as fireplaces and furnaces) can occur when depressurization in the house overwhelms the buoyant force on the hot gases. Backdrafting can also be caused by high air pressures or blockage at the chimney or flue termination.

"Backer Rod" means a semi-rigid foam material resembling a rope of various diameters used to fill around pipes, etc., and to assist in making a sealed penetration. For example, where a pipe is inserted through a concrete slab, a length of backer rod is jammed into the opening around the pipe. Caulking is then applied to the space above the backer rod and between the outside of the pipe and the slab opening. The purpose of the backer rod is to hold the semi-fluid opening in place until it sets or hardens. It is most important that a sealant only adhere to the two sides of the joint and not the base of the joint (third side). Adhesion to all three sides will prevent the sealant from elongating properly and will cause sealant failure.

"Block Wall Depressurization" means a radon mitigation technique that depressurizes the void network within a block wall foundation by drawing air from inside the wall and venting it to the outside.

"Category I CE Credits" means those continuing education credits received for documented successful completion of approved CE courses or for instructing an approved CE course.

"Category II CE Credits" means those continuing education credits received for documented participation in approved professional

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TITLE 32: ENERGY  
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY  
SUBCHAPTER b: RADIATION PROTECTION

PART 422  
LICENSING OF RADON DETECTION AND MITIGATION SERVICES

Section	Purpose and Scope
422.10	Definitions
422.20	Exemptions from License
422.30	Categories of Licenses
422.40	Practice by Out-of-State Licensees
422.45	Application for Licenses
422.50	Requirements for Issuance or Renewal of Licenses
422.60	Conditions of License
422.70	Continuing Education Requirements
422.80	Department Approval of Radon Courses
422.85	Implementation
422.90	License Fees
422.100	Reports to the Department
422.110	Suspension and Revocation of License
422.120	Measurement Protocol
422.130	Device Protocol
422.140	Mitigation Standard
422.150	Recommended Testing Strategy for Home Environment Measurements Not Involved in a Real Estate Transaction
APPENDIX A	Recommended Testing Strategy for Real Estate Transactions
APPENDIX B	Radon and Radon Decay Product Measurement Method Categories
APPENDIX C	Sample Notice
APPENDIX D	

AUTHORITY: Implementing and authorized by the Radon Industry Licensing Act [420 ILCS 44] (see P.A. 90-262, effective July 30, 1997).

SOURCE: Emergency rule adopted at 21 Ill. Reg. 1568, effective January 1, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 1049, effective 01-01-1998.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses and subscript are denoted by brackets.

Section 422.10 Purpose and Scope

- a) This Part establishes licensing requirements for individuals who perform services to measure the presence of radon or radon progeny, and individuals who perform mitigation services to reduce the concentration of radon or radon progeny.

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meetings, seminars and conferences.

"Client" means any person who contracts for measurement or mitigation services.

"Combination Foundations" means buildings constructed with more than one foundation type, e.g., basement/crawlspace or basement/slab-on-grade.

"Communication Test" means a diagnostic test designed to qualitatively measure the ability of a suction field and air flow to extend through the material beneath a concrete slab floor and thus evaluate the potential effectiveness of a sub-slab depressurization system. This qualitative test is commonly conducted by applying suction on a centrally located hole drilled through the concrete slab and simultaneously observing the movement of smoke downward into small holes drilled in the slab at locations separated from the central suction hole. (See also Pressure Field Extension.)

"Crawlspace Depressurization" means a radon control technique designed to achieve lower air pressure in the crawlspace relative to indoor air pressure by use of a fan-powered vent drawing air from within the crawlspace. (See also Mechanically Ventilated Crawlspace System.)

"Department" means the Illinois Department of Nuclear Safety.

"Diagnostic Tests" means procedures used to identify or characterize conditions within buildings that may contribute to radon entry or elevated radon levels or may provide information regarding the performance of a mitigation system.

"Drain Tile Loop" means a continuous length of drain tile or perforated pipe extending around all or part of the internal or external perimeter of a basement or crawlspace footing.

"Dwelling" means a single family home or a single unit within a multiple family complex.

"Government Entity" means the State, a State agency, a political subdivision, or any entity of local government.

"Individual" means any human being.

"Interfere" means to adversely or potentially adversely impact the successful completion of an indoor radon measurement by changing the radon or radon progeny concentrations or altering the performance of measurement equipment or an indoor radon mitigation system installation or operation. [420 ILCS 44/15]

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"Laboratory" means any organization that:

analyzes detectors and produces an analysis report as from continuous radon (CR) or working level monitors (CW), the grab activated charcoal (GC) method, scintillation cells (GS), or the grab working level (GW) method;

analyzes and produces an analysis report as from alpha track detectors (AT), activated charcoal absorbers (AC), charcoal liquid scintillation devices (LS), pump collapsible bag devices (PB), radon progeny integrated sampling units (RP) and unfiltered track detectors (UT); or

exposes radon measurement devices to known radon concentrations, as in a radon chamber.

"Laboratory Analysis" means the act of determining radon or radon progeny concentrations in air, water, soil, or passive radon testing devices or the act of exposing radon or radon progeny devices to known concentrations of radon or radon progeny as a compensated service. [420 ILCS 44/15]

"Living Area" means any area in a building that is, or could be, adapted for human habitation whether the area is located in a basement, over a crawlspace, or situated on a slab-on-grade.

"Measurement" means any radon or radon progeny tests, laboratory analysis, or exposure in a known radon or radon progeny environment, as in a calibration chamber.

"Mechanically Ventilated Crawlspace System" means a radon control technique designed to increase ventilation within a crawlspace, achieve higher air pressure in the crawlspace relative to air pressure in the soil beneath the crawlspace, or achieve lower air pressure in the crawlspace relative to air pressure in the living spaces, by use of a fan. (See also Crawlspace Depressurization.)

"Mitigation" means the act of repairing or altering a building or building design for the purpose in whole or in part of reducing the concentration of radon in the indoor atmosphere. [420 ILCS 44/15]

"Mitigation System" means any system or steps designed to reduce radon concentrations in the indoor air of a building.

"NIST" means the United States Department of Commerce, Technology Administration, National Institute of Standards and Technology (formerly National Bureau of Standards).

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"Skeletal New Construction System" means a system installed in new construction that is designed for the installation of a vent fan and consist of multiple vent pipes, including vertical and angled runs may necessarily routed through conditioned space, that may be joined to a single termination above the roof or may terminate separately above the roof.

"Soil Gas" means the gas mixture present in soil which may contain radon.

"Soil Gas Retarder" means a continuous membrane or other comparable material used to retard the flow of soil gases into a building.

"Stack Effect" means the overall upward movement of air inside a building that results from heated air rising and escaping through openings in the building envelope, thus causing indoor air pressure in the lower portions of a building to be lower than the pressure in the soil beneath or surrounding the building foundation.

"Sub-Membrane Depressurization (SMD)" means a radon control technique designed to achieve lower air pressure in the space under a soil gas retarder membrane laid on the crawlspace floor, relative to air pressure in the crawlspace, by use of a fan-powered vent drawing air from beneath the membrane.

"Sub-Slab Depressurization (SSD)(Active)" means a radon control technique designed to achieve lower sub-slab pressure relative to indoor air pressure by use of a fan-powered vent drawing air from beneath the concrete slab.

"Sub-Slab Depressurization (SSD) (Passive)" means a radon control technique designed to achieve lower sub-slab air pressure relative to indoor air pressure by use of a vent pipe (without a fan) routed through the conditioned space of a building and connecting the sub-slab area to the outdoor air. This system relies primarily on the convective flow of warmed air upward in the vent to draw air from beneath the concrete slab.

"USEPA" means the United States Environmental Protection Agency.

"Working Level (WL)" means any combination of short-lived radon progeny in 1 liter of air that will result in the ultimate emission of  $1.3 \times 10^{10}$  MeV of potential alpha particle energy. The short-lived radon progeny are for radon-222, polonium-218, lead-214, bismuth-214 and polonium-214.

"Working Level Month (WLM)" means a unit of exposure used to express the accumulated human exposure to radon decay products. It is

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"Passive New Construction System" means a system installed in new construction that relies solely on the convective flow of air upward in the vent pipe for sub-slab depressurization and consists of a vertical vent pipe routed through conditioned space from the suction pit to 12 inches above the roof.

"Passive Monitor" means a measurement tool that does not require external power or batteries to operate, such as charcoal detectors or alpha track detectors.

"Perimeter Channel Drain" means a system for collecting water in a basement by means of a large gap or channel between the concrete floor and the wall. Collected water may flow to aggregate beneath the slot ("French Drain") or to a sump where it can be drained or pumped away.

"Person" means an individual, firm, group, association, partnership, joint venture, trust, or government agency or subdivision. [420 ILCS 44/15]

"Picocurie per Liter (pCi/L)" means 2.2 disintegrations per minute of radioactive material per liter of air.

"Pressure Field Extension" means the distance that a pressure change is induced in the sub-slab area, measured from a single or multiple suction points. (See also Communication Test.)

"Radon" (Radon Decay Products)" means a gaseous radioactive decay product of uranium or thorium. [420 ILCS 44/15]

"Radon Contractor" or "Contractor" means a person licensed to perform radon or radon progeny mitigation or to perform radon measurements to detect radon or radon progeny in an indoor atmosphere. [420 ILCS 44/15]

"Radon Progeny" means any combination of the radioactive decay products of radon. [420 ILCS 44/15]

"Real Estate Testing" means short-term measurements that may be requested by a party not residing in the dwelling and that are performed in, or as a result of, or in expectation of, a real estate transaction and are time-limited due to this transaction.

"Re-Entrainment" means the unintended re-entry into a building of radon that is being exhausted from the vent of a radon mitigation system.

"Research" means Department-approved scientific investigation by testing and/or mitigating for radon or radon progeny.



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calculated by multiplying the average working level to which a person has been exposed by the number of hours exposed and dividing the product by 170.

**Section 422.30 Exemptions from Licensure**

The Department shall, upon application therefor, grant such exemptions or exceptions from the requirements of this Part as it determines are authorized by law and will not result in a hazard to public health and safety. The following persons are exempt from the licensing requirements of this Part.

- a) A person performing radon tests or mitigation on a dwelling in which the person resides.
- b) A person temporarily practicing in Illinois who possesses a license granted by another state's regulatory authority which is recognized by this State under principles of mutual reciprocity as described in Section 422.45 of this Part.
- c) Retail stores that only sell or distribute radon sampling devices but are not engaged in a relationship with the client for other services such as home inspection or representation as in a real estate transaction and that do not perform laboratory analysis, measurement or mitigation services.
- d) Persons who do not perform radon measurements or mitigation, but who are employed for the purpose of disseminating beneficial information to the public for agencies that the USEPA considers to be partners in providing accurate radon information to the public, such as educational institutions, the American Lung Association, the National Safety Council, and the National Association of City and County Governments and State and local public health officials who perform radon screening services without charge to the recipient of the service.

**Section 422.40 Categories of Licenses**

- a) The following types of licenses are issued by the Department to individuals:
  - 1) Radon Measurement Professional license;
  - 2) Radon Measurement Technician license;
  - 3) Radon Mitigation Professional license; and
  - 4) Radon Mitigation Technician license.
- b) The Department also issues licenses to persons performing radon-related laboratory analysis.

**Section 422.45 Practice by Out-of-State Licensees**

- a) A person that holds a valid license issued by a reciprocating state authorizing practice for radon measurement or mitigation, or both, under the laws of that state may practice, in accordance with the license issued by the reciprocating state, radon measurement or

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- b) mitigation, or both, in Illinois without licensing under this Part for not more than 90 days in any calendar year.
- c) A person licensed to perform radon measurement or mitigation, or both, by a reciprocating state shall notify the Department in writing at least three days prior to engaging in radon or radon progeny measurement or mitigation, or both, within Illinois.

**Section 422.50 Application for Licenses**

- a) Any person applying to the Department for a new license or a renewal of a license to perform radon-related measurement, mitigation or laboratory analysis services shall:
  - 1) Submit a complete and legible application form;
  - 2) Pay the appropriate non-refundable fee prescribed in Section 422.100 of this Part; and
  - 3) Meet the licensing requirements, as applicable, and as set forth in Section 422.60 of this Part.
- b) Any individual or person who anticipates conducting radon-related measurement, mitigation, or laboratory analysis services shall file a complete application for licensure with the Department a minimum of 30 days prior to the anticipated starting date of the activities.
- c) The Department may at any time after the filing of the original application, and before the expiration or termination of the license, require further statements in order to enable the Department to determine whether the application should be granted or denied or whether an existing license should be modified or revoked.
- d) An application shall be deemed filed on the date that it is received by the Department or on the date that it is postmarked by the United States Postal Service.

AGENCY NOTE: The Department shall accept as the filing date for an application that is received by mail the date that it is postmarked by the United States Postal Service. If an application is received by the Department in any other manner, the filing date of that application will be the date it is received by the Department.

e) Licenses issued pursuant to this Part may be renewed by the Department every 2 years upon demonstration of successful completion of continuing education requirements as specified in Section 422.80 of this Part, as applicable, satisfactory inspection results, submittal of a complete and accurate renewal application and the payment of the appropriate fee as specified in Section 422.100 of this Part. The renewal application shall be submitted in the same form as the initial application.

- f) The Department shall deny a license to any person if the Department has evidence that the applicant has engaged in any of the acts listed in Section 422.120 of this Part unless the condition listed in Section 422.120 of this Part no longer exists and the applicant submits documentation that the applicant satisfies the requirements of Section 422.120 of this Part.

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- vi) Standard operating procedures.
- 6) An individual requesting renewal shall submit evidence of meeting the continuing education requirements in Section 422.80 of this Part.
- b) The Department shall issue a Radon Measurement Technician license to any individual authorizing work under the general supervision of a Radon Measurement Professional licensee, if the applicant meets the following requirements:
  - 1) Is at least 18 years of age.
  - 2) Provides proof of successful completion of the USEPA Radon Measurement Operators Course, or an equivalent indoor radon and radon progeny measurement course approved by the Department.
  - 3) Has successfully completed a USEPA Radon Measurement Examination, or an equivalent examination approved by the Department.
  - 4) An individual requesting renewal shall submit evidence of meeting the continuing education requirement in Section 422.80 of this Part.
- c) The Department shall issue a Radon Mitigation Professional license to any individual who fulfills the following requirements:
  - 1) Is at least 18 years of age.
  - 2) Provides evidence of relevant work experience and education the meets any of the following criteria:
    - A) At least 4 years of design and construction of buildings, or associated heating, ventilation and air conditioning systems, or closely related activities approved by the Department; or
    - B) Documented work history approved by the Department demonstrating completion of 50 radon mitigation installations.
  - 3) Provides proof of successful completion of the USEPA Radon Mitigation Course, or an equivalent indoor radon and radon progeny mitigation course approved by the Department.
  - 4) Has successfully completed a USEPA Radon Mitigation Examination, or an equivalent mitigation examination approved by the Department.
  - 5) Submits a complete and accurate application form prescribed by the Department that includes:
    - A) A description of all diagnostic tests that may be performed to determine the mitigation strategy and any other radon related services offered;
    - B) A description of all mitigation system designs or strategies offered. Materials and design controls shall be included in the professional licensees' quality assurance program description;
    - C) A worker protection program description acceptable to the Department, to be followed when performing mitigation installations, that includes, but is not limited to:
      - i) Procedures to keep radiation exposure to workers as

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- g) *The Department shall deny an original or renewal license to a person who has defaulted on an educational loan guaranteed by the Illinois Student Assistance Commission. However, the Department may issue an original or renewal license if the person in default has established a satisfactory repayment record as determined by the Illinois Student Assistance Commission. [420 ILCS 44/45]*
  - h) The Department shall refuse to issue or renew licensure to any individual if the Department has received evidence from the Department of Public Aid that the applicant is delinquent in the payment of child support orders, pursuant to the provisions and procedures set forth in 5 ILCS 100/10-65(c).
- Section 422.60 Requirements for Issuance or Renewal of Licenses**
- a) The Department shall issue a Radon Measurement Professional license to any individual who fulfills the following requirements:
    - 1) Is at least 18 years of age.
    - 2) Provides evidence of relevant work experience and education that meets any one of the following criteria:
      - A) At least 4 years of radiological safety, environmental sampling, or industrial hygiene experience;
      - B) Documented work history approved by the Department demonstrating completion of 50 radon measurements; or
      - C) No experience. A six-month probationary period performance audit will be performed by the Department.
    - 3) Provides proof of successful completion of the USEPA Radon Measurement Operators Course, or an equivalent indoor radon and radon progeny measurement course approved by the Department.
    - 4) Has successfully completed a USEPA Radon Measurement Examination, or an equivalent examination approved by the Department.
    - 5) Submits a complete and accurate application form prescribed by the Department that includes:
      - A) A description of all types of indoor radon measurements performed and any other related services offered;
      - B) A description of all measurement devices;
      - C) A worker protection program description acceptable to the Department that includes, but is not limited to procedures to keep radiation exposures to workers as low as reasonably achievable; and
      - D) A quality assurance program description acceptable to the Department that includes, but is not limited to:
        - i) A policy statement committing to provide quality work, signed and dated by the applicant;
        - ii) Requirements for personnel qualification and training;
        - iii) Procedures for procurement of items and services;
        - iv) Procedures for maintaining records;
        - v) Procedures for calibration and testing of instruments; and

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- low as reasonably achievable;
- ii) Methods to follow to reduce or minimize the radon or radon progeny concentrations in the work area;
  - iii) Methods to ensure appropriate safety equipment such as hard hats, face shields, ear protection, steel-toed boots and protective gloves are available on the job site during cutting, drilling, grinding, polishing, demolishing or other activities associated with radon mitigation projects;
  - iv) Methods to ensure all electrical equipment used during radon mitigation projects is properly grounded and that any circuit used as a power source is protected by Ground-Fault Circuit Interrupters (GFCI);
  - v) Methods to ensure ladders or scaffolding is safely installed and operated, as needed for the mitigation project;
  - vi) Procedures to ensure work areas are ventilated to reduce worker exposure to less than 0.3 WL (30 pCi/L of air) and to reduce worker exposure to dust or other airborne pollutants;
  - vii) Procedures to ensure availability of type A, B and C fire extinguisher(s) in the immediate work area;
  - viii) Procedures to ensure mitigation work shall not be conducted in any work area within a school, commercial building or 10-unit (or greater) apartment building where it is suspected that friable asbestos may exist, and be disturbed, until a determination is made by an Illinois Department of Public Health Licensed Inspector that such work will be undertaken in accordance with applicable asbestos regulations; and
  - ix) Procedures to ensure workers are provided Material Safety Data Sheets (MSDS) and trained in applicable safety procedures for each sealant, adhesive, paint or other substance used in the mitigation project that may be hazardous to health.
- D) A quality assurance program description acceptable to the Department that includes, but is not limited to:
- i) A policy statement committing to provide quality work, signed and dated by the applicant;
  - ii) Requirements for personnel qualification and training;
  - iii) Procedures for procurement of items and services;
  - iv) Procedures for maintaining records;
  - v) Procedures for calibration and testing of instruments; and
  - vi) Standard operating procedures.
- 6) An individual requesting renewal shall submit evidence of meeting the continuing education requirements in Section 422.80 of this Part.

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- d) The Department shall issue a Radon Mitigation Technician license to any individual authorizing work under the general supervision of a Radon Mitigation Professional licensee, if the applicant meets the following requirements:
- 1) Is at least 18 years of age.
  - 2) Provides proof of successful completion of the USEPA Radon Mitigation Operators Course, or an equivalent indoor radon and radon progeny mitigation course approved by the Department.
  - 3) Has successfully completed a USEPA Radon Mitigation Examination, or an equivalent examination approved by the Department.
  - 4) An individual requesting renewal shall submit evidence of meeting the continuing education requirements in Section 422.80 of this Part.
- e) The Department shall issue a Laboratory Analysis of Radon Devices license to any person or company who fulfills the following requirements:
- 1) Be successfully enrolled in the USEPA radon measurement proficiency program, or an equivalent program approved by the Department, for the devices listed in subsection (e)(2)(B) of this Section.
  - 2) Submit a complete and accurate application form prescribed by the Department that includes:
    - A) The name of one individual who is responsible for the laboratory radon analytical activities;
    - B) A description of all measurement devices used and services offered; and
    - C) A quality assurance program description acceptable to the Department that includes, but is not limited to:
      - i) A policy statement committing to provide quality work, signed and dated by the applicant;
      - ii) Requirements for personnel qualification and training;
      - iii) Procedures for procurement of items and services;
      - iv) Procedures for maintaining records;
      - v) Procedures for calibration and testing of instruments; and
      - vi) Standard operating procedures.

## Section 422.70 Conditions of License

- a) Any person licensed by the Department to perform radon measurement shall perform in accordance with the measurement protocol provided in Section 422.130 of this Part as applicable to the measurement type performed and the device(s) used.
- b) Any person licensed by the Department to perform radon measurements shall use devices approved by USEPA or the Department to measure radon and radon progeny.
- c) Any person licensed by the Department to perform radon mitigation shall perform in accordance with the mitigation standards provided in



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- a) The required effort in continuing education per 2 year period for each category of license issued pursuant to this Part is as follows:
  - 1) Radon Measurement Professional 16 credits (8 Category II) 8 credits
  - 2) Radon Measurement Technician 16 credits (8 Category II) 8 credits
  - 3) Radon Mitigation Professional 16 credits (8 Category II) 8 credits
  - 4) Radon Mitigation Technician 16 credits (8 Category II) 8 credits
- AGENCY NOTE: All applicants for individual licenses shall provide evidence of participating in an approved program of continuing education as indicated in this subsection (a). All credits are Category I, unless otherwise noted. Category I can be substituted for Category II.
- b) Continuing education credits may be obtained via participation in courses, teaching approved courses, and by documented attendance at seminars or meetings of professional organizations. To obtain credit for attendance at seminars and meetings, licensees shall submit a copy of the agenda and the sign-in sheet or other similar proof of attendance.
- c) For Radon Measurement Professionals and Radon Mitigation Professionals, at least 8 of the required 16 continuing education credits (CECs) shall be in approved radon courses.
- d) The basis for a unit of continuing education credit shall be the contact hour (50 minutes) of lecture. Activity other than lecture shall be submitted to the Department for evaluation in accordance with Section 422.85 of this Part.
- e) Licensees shall submit required documentation for CECs at the time of renewal.
- f) Continuing education credit for courses shall be given for courses approved by USEPA or the Department in accordance with the procedures specified in Section 422.85 of this Part.
- g) For courses not approved by USEPA or the Department, a licensee may submit the information required by Section 422.85 of this Part to the Department for approval. Such documentation shall be submitted at least 180 days prior to license expiration.

**Section 422.85 Department Approval of Radon Courses**

- a) Radon courses approved by USEPA shall be deemed approved by the Department.
- b) Persons offering continuing education for a licensed individual may apply for approval by submitting to the Department, 90 days prior to the start of the course, the following:
  - 1) A completed application on a form prescribed by the Department which shall include, but not be limited to, the following information:
    - A) Name, address, telephone number, fax number and e-mail address of the person providing the training;
    - B) Type of course and title; and
    - C) Total hours of supervised instruction within the course;

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- d) Licensees shall provide adequate equipment for worker protection to keep exposures to radon or radon progeny as low as reasonably achievable.
- e) Licensees shall provide basic training to all employees on safety and operational policies and the proper use of equipment.
- f) No unlicensed employee shall perform radon measurement or mitigation activities without the direct on-site supervision of a licensed individual.
- g) Within 45 days after providing post-mitigation testing, the individual providing the service shall report the results in picocuries per liter (pCi/L) to the owner of the building, its representatives or the client.
- h) Licensees shall comply with all applicable Occupational Safety and Health Administration (OSHA) standards and guidelines relating to occupational worker exposure, health and safety.  
AGENCY NOTE: Information on worker health and safety contained in USEPA, Illinois EPA, or Department publications is not considered a substitute for any provisions of the Occupational Safety and Health Act of 1970 or for any standards issued by OSHA.
- i) Radiation exposure shall not exceed 30 pCi/L or 0.3 WL, based on continuous workplace exposure for 40 hr/week, 52 weeks per year and shall not exceed 4 working level months (WLM) over a 12 month period, using an equilibrium ratio of 50 percent to convert radon exposure to WLM.
- j) Radiation exposure shall be tracked, recorded and reported annually to the workers. Radiation exposure records of personnel shall be retained for inspection by the Department.
- k) Records of radon measurements, mitigations, quality assurance programs, calibration measurements, equipment repairs and worker protection plans shall be retained by the licensee for a least 5 years or the length of time of any warranty or guarantees, whichever is longer.
- l) No person shall interfere with, or cause another to interfere with, the successful completion of a radon measurement or the installation or operation of a radon mitigation.
- m) The radon laboratory licensee shall notify the Department in writing within 5 working days when it loses or replaces the individual named in Section 422.60(e)(2)(A) of this Part.
- n) Mitigators shall not perform radon measurements before or after the installation of a mitigation system at the same address as the mitigation installation.

**Section 422.80 Continuing Education Requirements**

All applicants for renewal of individual licenses shall provide evidence of having participated in an approved program of continuing education as indicated below:

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- 2) Copies of the syllabus and all training materials to be used in the training course;
- 3) Biographies or credentials of all individuals instructing the training course participants; and
- 4) Criteria upon which successful completion of the course by participants will be judged.

AGENCY NOTE: Operators of training courses shall submit a separate application for each course, but if a single course will provide instruction for more than one type of licensed individual, only one application is required.

- c) To maintain approval of a training course, the course operator shall do all of the following:
  - 1) Issue a certificate of completion to each individual who successfully completes the course;
  - 2) Submit to the Department a list of all individuals who successfully completed the course within 30 days after completion of the course;
  - 3) Request, in writing, the Department's approval of any changes that would render the information contained in the application for approval inaccurate; and
  - 4) For a revised course, submit an informational copy of the complete revised course, whether or not the revisions render the information contained in the application for approval inaccurate.
- d) The Department may refuse to issue an approval and may revoke or suspend an approval issued under this Part if the operator of the course fails to meet the criteria specified in subsection (b) or (c) of this Section.
- e) Approval of a training course shall expire 2 years after the date of approval.

**Section 422.90 Implementation**

- a) The duration of initial issuance of any license issued under this Part shall be 2 years. Licenses shall be renewable for subsequent 2 year terms in accordance with Section 422.60 of this Part.
- b) The expiration date of a renewed license that has been renewed on or before the expiration of the previous license term shall be 2 years from the expiration date of the prior licensing period. For renewal of a license that has lapsed, or that has been surrendered, the expiration shall be 2 years from the last day of the month in which the application for renewal is processed.
- c) Applicants who were registered on January 1, 1998, or became provisionally licensed during the 5 month term of the emergency rule (January 1, 1998 through May 31, 1998) by meeting all the requirements of the Department as stated in Section 422.50 of the emergency rule, may be granted a license on or after June 1, 1998, provided that by July 31, 1998, each applicant pays the appropriate non-refundable license fee pursuant to Section 422.100 of this Part.

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- d) All new applicants who apply to the Department for a license on or after June 1, 1998, shall comply with the application provisions in Section 422.50 of this Part.
- e) All applicants seeking renewal in subsequent 2 year terms shall meet all applicable requirements in Section 422.60 of this Part.
- f) Individuals who were provisionally licensed to perform radon or radon progeny measurement, but who have not previously taken USEPA's "Measurement Operators" course or successfully completed USEPA's "RPP Measurement" examination, shall do so prior to their license renewal date of June 1, 2000.
- g) All other licensees shall complete the continuing education requirements in Section 422.80 of this Part.

**Section 422.100 License Fees**

- a) The license application fee in all categories shall be non-refundable and shall be as follows:

Radon Measurement Professional license	
- Individual	\$400
Radon Measurement Technician license	
- Individual	\$250
Radon Mitigation Professional license	
- Individual	\$400
Radon Mitigation Technician license	
- Individual	\$250
Laboratory Analysis of Radon Devices	\$500

- b) The appropriate fees shall accompany the application when filed with the Department.  
 AGENCY NOTE: Any provisional licensee as of May 31, 1998, shall receive a \$100 credit towards the fee as shown in subsection (a) of this Section.  
 AGENCY NOTE: A school employee may, upon application for a professional license, have the fee waived and his/her practice limited to his/her employer's facilities.

**Section 422.110 Reports to the Department**

- a) All individuals licensed to perform radon measurements shall submit to the Department the results of all radon and radon progeny measurements on an annual basis.
- b) Records of radon measurements, mitigations, quality assurance programs, calibration measurements, equipment repairs and worker protection plans shall be retained by the licensee for at least 5 years or the length of time of any warranty or guarantees, whichever is longer.
- c) All licensees shall report apparent non-compliance with either the

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Radon Industry Licensing Act or this Part to the Department in writing upon discovery.

### Section 422.120 Suspension and Revocation of License

- a) The Department may act to suspend or revoke a person's license for any one or a combination of the following causes:
  - 1) Knowingly causing a material misstatement or misrepresentation to be made in the application for licensure, if such misstatement or misrepresentation would impair the Department's ability to assess and evaluate the applicant's qualifications for licensure under this Part, such as a misstatement or misrepresentation regarding training or experience;
  - 2) Willfully evading the statute or regulations pertaining to licensure, or willfully aiding another person in evading such statute or regulations pertaining to licensure;
  - 3) Having been convicted in any state of a crime that is a felony under the laws of this State or having been convicted of a felony in a federal court, unless such individual demonstrates to the Department that he/she has been sufficiently rehabilitated, by restoration of all civil rights, to warrant the public trust;
  - 4) Misrepresenting the capabilities of a device for detecting and measuring radon or radon progeny or misrepresenting the result of a test to detect or measure radon or radon progeny;
  - 5) Gross and willful overcharging for professional services, including filing false statements for collection of fees or moneys for which services are not rendered; and
  - 6) A finding by the Department that the licensee, after having his or her license placed on probationary status, has violated the terms of probation.
- b) If, based upon any of the grounds in subsection (a) of this Section, action to suspend or revoke licensure is initiated, the Department shall notify the person and shall provide an opportunity for a hearing in accordance with 32 Ill. Adm. Code 200.60. An opportunity for a hearing shall be provided before the Department takes action to suspend or revoke a person's license.
- c) Suspension of licensure shall be for up to 1 year in time. The term of suspension shall be reduced by the Director, upon the recommendation of the hearing officer, if the hearing officer finds, based upon evidence presented to him/her at a hearing, and the Director concurs, that the conditions leading to the Preliminary Order for Suspension can be cured in less than 1 year. However, if the Department finds that the causes are of a serious or continuous nature, such as past actions which posed an immediate threat to public health or safety, deficiencies that cannot be cured within 1 year or frequent child support arrearages, the Department shall revoke the person's license.
- d) The Director may summarily suspend the license of a licensee without

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a hearing, simultaneously with the institution of proceedings for a hearing, if the Director finds that evidence in his or her possession indicates that continuation of the contractor in practice would constitute an imminent danger to the public. If the Director summarily suspends a license without a hearing, a hearing by the Department shall be held within 30 days after the suspension has occurred and shall be concluded without appreciable delay. (420 ILCS 44/50) Such hearing shall be held in accordance with 32 Ill. Adm. Code 200.

- e) When a person's license is suspended or revoked, the person shall surrender the license to the Department.
- f) A person whose license has been revoked may seek reinstatement of the license by filing with the Department a petition for reinstatement. Such petition may be filed after the beginning of the revocation period. The person shall be afforded a hearing in accordance with 32 Ill. Adm. Code 200 and shall bear the burden of proof of establishing that the license should be reinstated due to rehabilitation.
- g) An individual or person who violates any provisions of this Part shall be guilty of a business offense and shall be assessed a penalty in accordance with Section 35 of the Act.

### Section 422.130 Measurement Protocol

- a) Measurement Location
  - 1) Short-term or long-term measurements shall be made in each lowest structural area suitable for occupancy. For example, a split-level building with a basement, a slab-on-grade room and a room over crawlspace shall have measurements made in the basement, in a slab-on-grade room and in a room over the crawlspace.
  - A) Measurements shall be made in rooms that are regularly used, such as family rooms, living rooms, dens, playrooms and bedrooms.
  - B) Charcoal canisters of any type shall not be placed in bathrooms, kitchens, laundry rooms, spa rooms or other areas of high humidity.
  - C) Radon in air measurements shall be made either concurrently with or prior to any diagnostic radon in water measurements.
  - D) Measurement devices shall be:
    - i) Undisturbed during the test period;
    - ii) At least three feet from doors, windows to the outside, or ventilation ducts, and out of the direct flow of air from the ventilation duct;
    - iii) At least one foot from exterior walls;
    - iv) At least 20 inches to six feet from the floor;
    - v) Four inches away from other objects horizontally or vertically above the detector;
    - vi) Four feet from heat, fireplaces and furnaces, out of



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direct sunlight, etc.

- E) Measurement devices may be suspended in the general breathing zone and, if suspended, shall be at least 20 inches to six feet above the floor.
- F) Measurements made in closets, cupboards, sumps, crawlspaces or nooks within the foundation shall not be used as a representative measurement and shall not be the basis for a decision to, or not to, mitigate the radon level within a building.
- b) Initial Measurements
  - 1) The initial measurement shall be a short-term measurement that may range in duration from 48 hours to 90 days, depending upon the measurement device used.
    - A) Short-term measurements shall be made under closed-building conditions. In tests lasting more than seven days and less than 90 days, closed house conditions shall be maintained as much as possible while the test is in progress.
    - B) Closed building conditions shall begin at least 12 hours prior to the beginning of the measurement period and shall be maintained throughout the measurement interval. The following conditions shall be complied with during closed-building conditions:
      - i) Normal operation of permanently installed energy recovery ventilators may continue during closed-building conditions. Radon Measurement Professional licensees shall inform the resident in writing that operation of dryers, range hoods, bathroom fans and other mechanical systems that draw air out of the building may adversely affect test results.
      - ii) In buildings having permanently installed radon mitigation systems, the mitigation system shall be functioning during the measurement interval.
      - iii) Air conditioning systems that recycle interior air may be operated during closed-building conditions.
      - iv) All windows shall be kept closed.
      - v) All external doors shall be closed except for normal entry and exit. Structural openings due to disrepair or structural defects shall be repaired to correct their condition prior to initiation of closed-building conditions. All exterior windows and doors shall be inspected by a Radon Measurement Professional licensee or Radon Measurement Technician at the placement and retrieval of the detector(s) and the result of the inspection documented for the measurement file.
      - vi) Whole house fans shall not be operated. Portable window fans shall be removed from the window or sealed in place. Window air conditioning units shall only be

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operated in a recirculating mode. If the building contains an air handling system, the air handling system shall not be set for continuous operation unless the air handling equipment is specifically used for radon control and is so labeled.

- vii) Fireplaces or combustion appliances shall not be operated unless they are the primary sources of heat for the building. Ceiling fans, portable dehumidifiers, portable humidifiers, portable air filters and window air conditioners shall not be operated within twenty feet of the detector.
  - C) Short-term measurements of less than 96 hours shall not be conducted during severe storms or periods of high winds (30 miles per hour or more). Radon Measurement Professional licensees shall check and document local weather forecasts prior to placing short-term measurement devices when the measurement period is less than 96 hours.
- AGENCY NOTE: The National Weather Service defines a severe storm as a storm that generates winds of 58 mph and/or 3/4-inch diameter hail and that may produce tornadoes -- not necessarily in that order.
- D) The Radon Measurement Professional licensee shall document that instructions describing closed-building conditions in subsection (b)(1) of this Section are given to the person who controls the building in accordance with subsections (d)(1) and (2) of this Section.
  - 2) The Radon Measurement Professional licensee shall advise the resident in accordance with Section 422. Appendix A of this Part.
  - 3) Follow-up measurements shall be conducted in the same location as the initial measurement.
  - c) Options for Real Estate Testing
    - 1) Option 1: Sequential Testing
      - A) Sequential tests shall be conducted under the conditions described in subsection (b)(1) of this Section.
      - B) The results of the first test shall not be reported prior to making the second measurement. The results of sequential tests shall be reported to the client at the same time. The average of the sequential tests shall be reported and shall be considered appropriate as the basis for determining the need for mitigation.
      - D) Sequential tests shall be:
        - i) Made with similar measurement devices (see Section 422. Appendix C of this Part);
        - ii) For similar time periods;
        - iii) In similar locations; and
        - iv) Reported in the same units (pCi/L).
    - 2) Option 2: Simultaneous Testing
      - A) Simultaneous Testing shall be comprised of a minimum of 2

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- 4) Additional Requirement for Real Estate Option Testing
  - A) Measurement Location. Measurement location shall be in accordance with subsection (a) of this Section.
  - B) The measurement exposure time shall be a minimum of 48 hours.
  - C) Real Estate Option measurements shall be performed under closed-building conditions as described in subsection (b)(1) of this Section.
- d) Non-Interference Agreement
  - 1) The buyer, seller, occupant, real estate professional or other individual in control of the property shall sign a non-interference agreement indicating an understanding of the testing conditions of this Part and of the penalties for interference with an in-progress radon measurement.
  - 2) If such an agreement cannot be or will not be signed by the buyer, seller, occupant, real estate professional or other individual in control of the property, the Radon Measurement Professional licensee shall document on the agreement why the signature was not obtained. The agreement shall be retained for inspection by the Department.
- e) Radon Measurement in Progress Notification. The licensee shall post at every building entry and in a conspicuous location a Radon Measurement in Progress Notification. The Notice shall be posted upon initiation of a radon measurement. A copy of a Radon Measurement In Progress Notice is provided in Section 422. Appendix D of this Part.
- f) School and Commercial Building Measurements
  - 1) Initial measurements shall be short-term measurements of at least 48 hours to 90 days, depending on the device used, and shall be made in all frequently occupied rooms in contact with the soil, whether the contact is slab-on-grade, a basement, berm, a room above a crawlspace or any combination.
    - A) Frequently occupied rooms include classrooms, offices, conference rooms, gymnasiums, auditoriums, cafeterias and break rooms.
    - B) Testing need not be conducted in infrequently used areas such as storage rooms, stairwells, rest rooms, utility closets, kitchens, elevator shafts or hallways.
    - C) A minimum of one detector shall be placed per every 2000 square feet of open floor area.
  - 2) All rooms shall be tested simultaneously.
  - A) The licensee shall ensure that the teacher or frequent user of the room being tested is aware of the detector.
  - B) The licensee shall perform and document a surveillance of the building to determine the rooms needing testing prior to placement.
- 3) Follow-up measurements shall be performed in every room with a short-term, initial test result of 4.0 pCi/L or greater. Refer to Section 422. Appendix A of this Part.

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- indoor radon tests conducted simultaneously with similar measurement devices (see Section 422.Appendix A of this Part) that:
- i) Are co-located and spaced four inches apart;
  - ii) Are exposed for the same measurement period; and
  - iii) Produce results in the same units (pCi/L or WL).
- B) Simultaneous test results that are both less than 4.0 pCi/L of less than 67 percent. Relative Percent Difference (RPD) of less than 67 percent. Relative Percent Difference is the difference between the two results divided by the average of the two results. (See Section 422.Appendix A of this Part.) If the RPD is greater than 67 percent, the Radon Measurement Professional licensee shall investigate, document and correct the source(s) of the error.
- C) When one of the measurements is equal to or greater than 4.0 pCi/L and one is less than 4.0 pCi/L, and the higher result is greater than twice the lower result, the client shall be informed of the large discrepancy and the simultaneous tests repeated.
- D) Simultaneous test results that are both equal to or greater than 4.0 pCi/L shall agree with a Relative Percent Difference of less than 36 percent. If the RPD is greater than 36 percent, the Radon Measurement Professional licensee shall investigate, document and correct the source(s) of the error.
- E) All simultaneous test results shall be reported to the client.
- 3) Option 3: Performing A Single Test
- A) This option requires an active continuous monitor that has the capability to integrate and record a new result at least hourly. Shorter integration periods and more frequent data logging afford greater ability to detect unusual variations in radon or radon progeny concentrations. Continuous monitors that cannot integrate over a period of one hour or less shall be used with an additional passive or active measurement device used either sequentially or simultaneously with the continuous monitor as described in subsections (c)(1) and (c)(2) of this Section.
- B) The minimum single test measurement period shall be 48 hours. The first four hours of data from a continuous monitor may be discarded or incorporated into the result using system correction factors. There shall be at least 44 contiguous hours of usable data to produce a valid average.
- i) The "backing out" of data (i.e., removal of portions imbedded in the 44 contiguous hours of monitoring) shall invalidate the measurement.
  - ii) The periodic results shall be averaged to produce a result that is reported to the client.

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- 4) During both initial and follow-up testing, the Heating, Ventilation and Air Conditioning (HVAC) system shall be operated normally.
- 5) The Radon Measurement Professional licensee shall recommend in writing to the school or commercial building management, owners or representatives that a decision to mitigate not be based on initial measurement results.
- 6) School and commercial building measurements shall be performed in accordance with subsections (a) and (b) of this Section.
  - A) School and commercial building measurements of less than four days duration shall be performed under closed-building conditions as described in subsection (b)(1) of this Section.
  - B) Duplicate measurements shall be performed and shall represent 10 percent of all the detectors deployed, or a maximum of 50 detectors, whichever is less, within the building.
  - C) Blank measurements shall be performed and shall represent 5 percent of all the detectors deployed, or a maximum of 25 detectors, whichever is less, within the building.
  - D) A Device Placement Log and Floor Plan shall be finalized for each school or commercial building in which radon or radon progeny measurements are made. All measurement devices, including duplicate measures and blanks, shall be noted on the Device Placement Log and Floor Plan by serial number.
- 7) Requirements for Specific School and Commercial Building Designs
  - A) Slab-on-grade Design. Measure all frequently-occupied rooms in contact with the ground.
  - B) Open-plan or Pod Design. If sections of a pod have moveable walls that can physically separate them from other sections, measure each section separately. If moveable walls are absent or inoperable, measure the pod as one room placing detectors every 2000 square feet.
  - C) Crawlspace Design. Measure all rooms directly above an enclosed crawlspace.
  - D) Basement Design. In addition to measuring all frequently-occupied basement rooms, measure all rooms above the basement that have at least one wall with substantial contact with the ground.
- 9) New Construction Testing Conditions. Newly constructed buildings shall not be tested for radon or radon progeny unless the installation of the following items is completed:
  - 1) All insulation;
  - 2) All exterior doors with associated hardware shall be installed prior to testing;
  - 3) All windows;
  - 4) All fireplaces and fireplace dampers;
  - 5) All heating, air conditioning, and plumbing appliances;

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- 6) All ceiling covers;
- 7) All interior trim and coverings for the exterior walls;
- 8) All exterior siding, weatherproofing and caulking;
- 9) All interior and exterior structural components; and
- 10) Any interior or exterior work that may adversely affect the measurement validity.
- 11) Occupied homes shall be tested with the HVAC system operating in the normal temperature range for the family. Unoccupied homes shall be tested with the HVAC system set and operating in the range of 68-72 degrees F.
- h) Post-Mitigation Testing
  - 1) Post-mitigation measurements shall not be conducted if temporary radon reduction measures have been implemented.
  - 2) Post-mitigation measurement(s) shall be conducted to determine a system's effectiveness after a permanent radon reduction system has been fully operational for at least 24 hours but not later than 30 days following completion and activation of a mitigation system. The mitigation system shall be operated normally and continuously during the entire measurement period.
  - 3) Post-mitigation measurements shall be conducted in accordance with subsections (a), (b) and (c) of this Section.
- i) Temporary Radon Reduction Measures
  - 1) Temporary radon reduction measures include:
    - A) The introduction of unconditioned air into the building; or
    - B) Closure of normally accessible areas of the building; or
    - C) Lowering the thermostat below its normal use setting.
  - 2) Any of the conditions listed in subsection (i)(1)(A), (B) or (C) of this Section shall invalidate measurement results. The Radon Measurement Professional licensee shall not conduct a measurement until the conditions have been corrected. The Radon Measurement Professional licensee shall inform the client and other parties involved in a real estate transaction that these conditions invalidate the measurement results.
  - 3) Any improper radon reduction efforts identified, prior to, during, or after initial, follow-up, real estate option or post-mitigation measurements, shall invalidate the results. The Radon Measurement Professional licensee shall not conduct a measurement until the improper conditions have been corrected.
- j) Measurement Documentation
  - 1) Radon Measurement Professional licensees shall ensure that sufficient information on each measurement is recorded in a permanent log to allow for future data comparisons, interpretations and reporting to clients. Radon Measurement Professional licensees shall keep the following information in a measurement log that shall be retained for 5 years. Additional method-specific documentation is outlined in Section 422.140 of this Part.
    - A) A copy of the final report, including the measurement



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A statement shall be included in the test report stating that this approximate conversion is based on a 50 percent equilibrium ratio. In addition, the report shall state that this equilibrium ratio is typical but that any indoor environment may have a different and varying relationship between radon and radon progeny.

- 3) The dates of the measurement period and address of the building tested.
- 4) A description of the measurement device used, its manufacturer, model or type, and serial numbers or other unique device identification numbers.
- 5) The name and Illinois license numbers of the individual or person placing and retrieving the device and the Illinois license number, or USEPA RPP identification number, of the laboratory analyzing the device.
- 6) A statement describing any observed tampering or deviations from the required test conditions.
- 7) Measurement Professional licensees shall provide a diagram of the test area noting the exact location(s) of all measurement devices deployed.
- 8) Grab sampled measurements shall be reported with written notification stating that grab sample results are useful diagnostic tools, but are not a basis for making a decision regarding mitigation.
- m) Quality Assurance for Radon Measurements. Radon Measurement Professional licensees shall abide by the quality assurance program described in Section 422.60(a)(5)(D) of this Part.
- n) When Radon Measurements Shall Not Be Made
  - 1) Short-term radon measurements of less than 96 hours shall not be conducted during severe storms or periods of high winds (30 miles per hour or more). Radon Measurement Professional licensees shall check and document local weather forecasts prior to placing short-term measurement devices when the measurement period is less than 96 hours.

AGENCY NOTE: The National Weather Service defines a severe storm as a storm that generates winds of 58 mph and/or 3/4-inch diameter hail and that may produce tornadoes -- not necessarily in that order.

2) Radon measurements of any duration shall not be made during renovation of a building, especially those involving structural changes, or during renovations of the HVAC systems or any change that disturbs the normal airflow of the building.

AGENCY NOTE: When renovations are planned, radon measurements should be made prior to renovations and immediately upon the completion of renovations.

3) Schools and commercial buildings shall only be tested for radon during periods when the HVAC system is operating normally even when school is not in session or on long holidays.

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results, and the statement describing any recommendations concerning retesting or mitigation provided to the building owner, occupant or agent;

- B) The address of the building measured, including zip code;
  - C) A diagram of the test area noting the exact location(s) of all measurement devices deployed;
  - D) Exact start and stop dates and times of the measurement period as required for analysis;
  - E) A description of the device used and serial number;
  - F) A description of the condition of any permanent vents, such as crawlspace vents or combustion air supply to combustible appliances;
  - G) The name and Illinois license number, or USEPA RPP identification number, of the service or analysis organizations used to analyze devices;
  - H) The name and Illinois license number of the individual who conducted the test;
  - I) A description of any variations from or uncertainties about standard measurement procedures, closed-building conditions or other factors that may affect the measurement result;
  - J) A description of any non-interference controls used and original copies of signed non-interference agreements; and
  - K) A record of any quality control measures associated with the test, such as the results of simultaneous or secondary measurements.
- k) Providing Information to Clients. Radon Measurement Professional licensees shall provide the client with the following information:
- 1) Devices that will be placed by the client shall be accompanied by instructions on how to use the device. These instructions shall be consistent with the Illinois Device Protocol described in Section 422.140 of this Part and include specific information on the minimum and maximum length of time that the device must be exposed.
  - 2) The Department's Radon program address and telephone number.
- l) Reporting Test Results. Radon Measurement Professional licensees shall return radon measurement results to the client within 45 days after retrieving exposed devices. Laboratories receiving an exposed device that has been delivered for analysis shall return results to the client within 45 days. As a minimum, the test result report shall contain:
- 1) Measurement results reported in the units that the device measures. Any measurement results based on radon gas shall be reported to no more than one decimal place, e.g., 4.3 pCi/L. Any measurement result based on radon progeny shall be reported to no more than three decimal places, e.g., 0.033 WL.
  - 2) Working level values shall be converted to pCi/L and both reported to the client. The conversions from WL to pCi/L shall be presented and explained clearly in the report to the client.

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## Section 422.140 Device Protocol

a) Protocol for using continuous radon monitors (CMs) to measure indoor radon concentrations

- 1) Refer to Section 422.130(j) of this Part for a list of standard information that shall be documented.

- 2) Every continuous monitor shall be calibrated in a radon calibration chamber, approved by the Department or certified by USEPA, before being placed into service, and after any repairs or modifications. Subsequent recalibrations and background checks shall be performed at least once every 12 months, with cross checks with a recently calibrated instrument at least semiannually. Each scintillation cell requires an individual calibration factor.

- 3) Background measurements shall be performed after every 1,000 hours of operation of scintillation cell-type CMs and whenever any type of CM is calibrated. The background shall be checked by purging the monitor with clean, aged air or nitrogen in accordance with the manufacturer's instructions. In addition, the background count rate shall be monitored in accordance with the manufacturer's instruction.

- 4) When performing a radon measurement, the CM shall be programmed to run continuously, recording periodically (hourly or more frequently) the radon concentration for at least 48 hours. Longer measurements may be required per the continuous monitor type and the radon level being measured.

- 5) Pumps and flow meters shall be checked before and after each measurement in accordance with the manufacturer's instruction.

- 6) If the first four hours of data from a 48-hour measurement are discarded because data are produced prior to the establishment of equilibrium conditions in a flow-through cell, the remaining hours of data shall be averaged and shall be sufficient to represent a two-day measurement.

b) Protocol for using alpha track detectors (ATs) to measure indoor radon concentrations

- 1) Refer to Section 422.130(j) of this Part for a list of standard information that shall be documented.

- 2) The laboratory background level for each batch of ATs shall be established by each laboratory licensed by the Department. Laboratories shall measure the background of a statistically significant number of unexposed ATs that have been processed according to the licensee's quality assurance program implementing/operating procedures.

- 3) Every AT laboratory system shall be calibrated in a radon calibration chamber at least once every 12 months. Determination of a calibration factor requires exposures of ATs to a known radon concentration in a radon exposure chamber. These calibration exposures shall be used to obtain or verify the

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conversion factor between net tracks per unit area and radon concentration.

- A) ATs shall be exposed in a radon chamber at a minimum of three different radon concentrations (such as approximately 1.0-4.0, 5-15, 20-50 pCi/L) or exposure levels similar to those found in the tested buildings.

- B) A minimum of 10 detectors shall be exposed at each level of the chamber.

- C) A calibration factor shall be determined for each batch or sheet of detector material received from the supplier. Alternatively, calibration factors may be established for several sheets, and these factors extended to detectors from sheets exhibiting similar sensitivities (within pre-established tolerance limits).

- 4) Analysis instruments shall be checked at least daily for operability prior to operation.

- 5) ATs exposed at known concentrations shall be labeled in the same manner as field detectors to ensure identical processing. The results of analyses of detectors exposed to known radon concentrations shall be monitored and recorded.

c) Protocol for using electret ion chamber radon detectors (ECs, ESS, ELs) to measure indoor radon concentrations

- 1) Refer to Section 422.130(j) of this Part for a list of standard information that shall be documented.

- 2) Every short-term and long-term electret detector system and the electret reader(s) shall be calibrated in a radon calibration chamber, approved by the Department or certified by USEPA. Initial calibration for the system is provided by the manufacturer. Subsequent recalibrations shall be performed at least once every 12 months. Determination of calibration factors for short-term or long-term detectors requires exposure of detectors to known concentrations of radon-222 in a radon exposure chamber. Since short-term and long-term electret detector systems are also sensitive to exposure to gamma radiation, a gamma exposure rate measurement in the test chamber is also required annually.

- 3) Every short-term and long-term electret system and the electret reader are calibrated. Detectors shall be exposed in a radon chamber at a minimum of three different radon concentrations, such as approximately 4.0, 10-30 and 30-100 pCi/L, or exposure levels similar to those found in the tested buildings.

- 4) As a minimum, laboratories performing electret calibration services shall:
  - A) Expose a minimum of 10 detectors at each level of the chamber.
  - B) Ensure a period of exposure sufficient to allow the detector to achieve equilibrium with the chamber atmosphere.

- 5) Anyone providing measurement services with short-term or

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of calibration factors for LS devices requires exposure of calibration devices to known concentrations of radon-222 in a radon exposure chamber at carefully measured radon concentrations. The calibration factors depend on the exposure time and may also depend on the amount of water adsorbed by the device during exposure. Calibration factors shall be determined for a range of different exposure times and, as appropriate, humidities.

3) Laboratory Control Devices. The laboratory background level for each batch of LS devices shall be established by each laboratory or supplier. Suppliers shall measure the background of a statistically significant number of unexposed LS devices that have been processed according to their standard operating procedures (laboratory blanks).

4) Counting equipment shall be subject to daily operability checks by counting an instrument check source and determining whether the reference source is constant to within established limits (two standard deviations). The characteristics of the check source (geometry, type of radiation emitted, etc.) shall be similar to those of the samples analyzed. The count rate of the check sources shall be high enough to yield good counting statistics in a short time (for example, 1000 to 10,000 counts per minute) to provide a maximum random uncertainty of 5 percent.

f) Protocol for using grab radon sampling (GB, GC, GS) pump/collapsible bag devices (PBs), and three-day integrating evacuated scintillation cells (SCs) to measure indoor radon concentrations.

1) Refer to Section 422.130(j) of this Part for a list of standard information that shall be documented.

2) The serial numbers of cells, cartridges, bags, pumps and counting or analysis equipment shall be recorded. The start-time and stop-time vacuum gauge readings shall be recorded along with the serial numbers of the SCs and counting equipment.

3) Every device shall be calibrated in a radon calibration chamber before being put into service and at subsequent intervals of not more than 12 months, with cross checks to a recently calibrated instrument at least semiannually.

4) Calibration Factors. Determination of calibration factors requires exposure of calibration devices to known concentrations of radon-222 in a radon exposure chamber at carefully measured radon concentrations. The cells shall be recalibrated annually at radon levels similar to those found in tested buildings. Scintillation counting systems used to count exposed cells shall be either the system used to calibrate the cell or one calibrated against that system.

5) Cell Flushing and Storage. After cells have been counted and data are satisfactorily recorded, the cells shall be flushed with aged air or nitrogen to remove the sample. Flow-through cells shall be flushed with at least 10 volume exchanges at a flow of

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long-term electrets shall set aside a minimum of five percent of the electrets or 10, whichever number is smaller, from each shipment and evaluate them for voltage drift. The electrets shall be kept covered with protective caps in a low radon environment and analyzed for voltage drift over a time period similar to the time period used for those deployed in measurements. Any voltage loss found in the control electrets of more than one volt per week over a three-week test period for short-term electrets, or one volt per month over a three-month period for long-term electrets, shall be investigated.

6) Proper operation of the surface voltmeter shall be monitored following the manufacturer's procedures for zeroing the voltmeter and analyzing a reference electret. These checks shall be conducted at least once a week while the voltmeter is in use.

d) Protocol for using activated charcoal adsorption devices (ACs) to measure indoor radon concentrations

1) Refer to Section 422.130(j) of this Part for a list of standard information that shall be documented.

2) Every activated charcoal adsorption system shall be calibrated in a radon calibration chamber at least once every 12 months. Determination of calibration factors for ACs requires exposure of the detectors to known concentrations of radon-222 in a radon exposure chamber. The calibration factors depend on the exposure time and may also depend on the amount of water adsorbed by the charcoal container during exposure. Calibration factors shall be determined for each AC measurement system (container type, amount of charcoal, gamma detector type, etc.).

3) Laboratory Control Detectors. The laboratory background level for each batch of ACs shall be established by each laboratory or supplier. Suppliers shall measure the background of a statistically significant number of unexposed detectors that have been processed according to their standard operating procedures (laboratory blanks).

4) Counting equipment shall be subject to daily operability checks by counting an instrument check source and determining whether the reference source is constant to within established limits (two standard deviations). The characteristics of the check source (geometry, type of radiation emitted, etc.) shall be similar to those of the samples analyzed. The count rate of the check sources shall be high enough to yield good counting statistics in a short time (for example, 1000 to 10,000 counts per minute) to provide a maximum random uncertainty of 5 percent.

e) Protocol for using charcoal liquid scintillation (LS) devices to measure indoor radon concentrations.

1) Refer to Section 422.130(j) of this Part for a list of standard information that shall be documented.

2) Every LS laboratory system shall be calibrated in a radon calibration chamber at least once every 12 months. Determination



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two liters per minute. Cells with single valves shall be evacuated and refilled with aged air or nitrogen at least five times. Flushed cells shall be left filled with aged air or nitrogen and allowed to sit overnight before being counted for background.

- 6) Cell Calibration. If a GS method of measuring the radon concentration is used in the PB or GB methods, the following calibration procedure shall be followed.

A) The cell counting system consisting of the scaler, detector and high-voltage supply shall be calibrated. The correct high voltage is determined by increasing the high voltage by increments and plotting the resultant counts. Each counting system shall be calibrated in a radon calibration chamber before use and after any repairs or modifications. Subsequent recalibrations shall be performed once every 12 months, with cross checks to a recently calibrated instrument at least semiannually. A check source or calibration cell shall be counted in each analysis system each day to demonstrate proper operation prior to counting any samples.

B) A separate calibration factor shall be obtained for each cell in the counting system. Each cell shall be filled with radon of a known concentration and counted to determine the conversion factor (in counts per minute per pCi). The known concentration of radon may be obtained from a radon calibration chamber or estimated from a bubbler tube containing a known concentration of radium.

- 7) Grab-Radon/Activated Charcoal (GC) Method Calibration. The special cartridge shall be calibrated in a radon calibration chamber prior to use and at least once every 12 months thereafter to establish a calibration factor. Samples shall be taken at different humidities and temperatures to establish correction factors.

8) Laboratory Control Devices. The background level for each device shall be established by each supplier. Suppliers shall measure the background of each device before each use.

9) Counting equipment shall be checked prior to each day's use with a check source. The characteristics of the check source (i.e., geometry, type of radiation emitted, etc.) shall be as similar to the samples to be analyzed as possible. The count rate of the check source shall be high enough to yield good counting statistics in a short time (for example, 1000 to 10,000 counts per minute) to provide a maximum random uncertainty of 5 percent.

10) Pumps and flow meters shall be checked in accordance with the manufacturer's specification to ensure accuracy of volume measurements. This may be performed using a dry-gas meter or other flow measurement device of traceable accuracy.

- 9) Protocol for using unfiltered track detection (UT) to measure indoor

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radon concentrations

- 1) Refer to Section 422.130(j) of this Part for a list of standard information that shall be documented.

2) The laboratory background level shall be measured for a statistically significant number of unexposed UTs for each batch of UTs and this measure shall be established by each laboratory licensed by the Department.

3) Every UT laboratory system shall be calibrated in a radon calibration chamber at least once every 12 months. Determination of a calibration factor requires exposure of UT detectors to a known radon and decay product concentration in a radon exposure chamber. These calibration exposures shall be used to obtain or verify the conversion factor between net tracks per unit area and radon concentration.

A) UT detectors shall be exposed in a radon chamber at a minimum of three different radon and decay product concentrations similar to those expected in the tested buildings. Concentrations of radon decay products shall be known in order to be included in the calculation of the calibration factor.

B) A minimum of 10 detectors shall be exposed at each level of the chamber.

C) A calibration factor shall be determined for each batch of detector material received from the material supplier. Alternatively, calibration factors may be established from several sheets and these factors extended to detectors from sheets exhibiting similar sensitivities (within pre-established tolerance limits).

D) Altitude of the radon chamber shall be known if located at more than 600 feet (200 meters) above sea level so that a correction can be included in the calculation of the calibration factor.

4) Analysis instruments shall be checked at least daily for operability prior to operation.

5) UTs exposed at known concentrations shall be labeled in the same manner as field detectors to ensure identical processing. The results of analyses of detectors exposed to known radon concentrations shall be monitored and recorded.

6) Laboratory Control Detectors. The laboratory background level for each batch of UT detectors shall be established by each supplier. Suppliers shall measure the background of a statistically significant number of unexposed detectors that have been processed according to their standard operating procedures. Normally, the analysis laboratory or supplier calculates the net readings (which are used to calculate the reported sample radon concentrations) by subtracting the laboratory blank values from the results obtained from the field detectors.

h) Protocol for using continuous working level monitors (CWS) to measure

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- supplier. Suppliers shall measure the background of a statistically significant number of unexposed thermoluminescent assemblies that have been processed according to their standard operating procedures. To calculate the net readings used to calculate the reported sample radon concentrations, the analysis laboratory shall subtract this laboratory blank value from the results obtained from the field detectors.
- A) Similarly, the laboratory background level for each batch of AT-type RPs shall be established by each supplier of these detectors. Suppliers shall measure the background of a statistically significant number of unexposed detector films that have been processed according to their standard operating procedures. The analysis laboratory shall subtract this laboratory blank value from the results obtained from the field detectors before calculating the final result.
- B) Users of electret-type RPs shall follow control detector procedures described in subsection (c) of this Section.
- j) Protocol for using grab sampling-working level (GW) to measure indoor radon decay product concentrations
- 1) Refer to Section 422.130(j) of this Part for a list of standard information that shall be documented.
  - 2) Pumps and flow meters used to sample air shall be calibrated annually to ensure accuracy of volume measurements. This may be performed using a dry-gas meter or other flow measurement device of traceable accuracy.
  - 3) Every GW device shall be calibrated in a radon (decay product) calibration chamber before being put into service, and after any repairs or modifications. Subsequent recalibrations shall be performed once every 12 months, with cross checks to a recently calibrated instrument at least semiannually. Grab measurements shall be made in a calibration chamber of known radon decay product concentrations to verify the calibration factor. These measurements shall also be used to test the collection efficiency and self-absorption of the filter material being used for sampling. A change in the filter material being used shall require that the new material be checked for collection efficiency in a calibrated chamber.
  - 4) Counting equipment shall be checked to ensure proper operation. This shall be achieved by counting an instrument check source at least once per day prior to instrument use. The characteristics of the check source (i.e., geometry, type of radiation emitted, etc.) shall be as similar to the samples to be analyzed as possible. The count rate of the check source shall be high enough to yield good counting statistics in a short time (for example, 1000 to 10,000 counts per minute) to provide a maximum random uncertainty of 5 percent.
- A) The radiological counters shall have calibration checks run daily prior to use to determine counter efficiency. These

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- indoor radon decay product concentrations
- 1) Refer to Section 422.130(j) of this Part for a list of standard information that shall be documented.
  - 2) Every continuous monitor shall be calibrated in a radon calibration chamber, approved by the Department or certified by USEPA, before being placed into service, and after any repairs or modifications. Subsequent recalibrations and background checks shall be performed at least once every 12 months, with cross checks with a recently calibrated instrument at least semiannually.
  - 3) Background measurements shall be performed every 168 hours of operation and whenever the unit is calibrated. The CW shall be purged with clean, aged air or nitrogen in accordance with the manufacturer's instructions.
  - 4) When performing a radon measurement, the CW shall be programmed to run continuously, recording the periodic WL and, when possible, the total integrated average WL. The sampling period shall be at least 46 to 50 (48  $\pm$  2 hour grace period). The longer the operating time the smaller the uncertainty associated with using the measurement result to estimate a longer-term average concentration. The integrated average WL over the measurement period shall be reported as the measurement result.
  - 5) Pumps and flow meters shall be checked quarterly to ensure accuracy of volume measurements.
- i) Protocol for using radon progeny integrating sampling units (RPISUs or RPs) to measure indoor radon decay product concentrations
- 1) Refer to Section 422.130(j) of this Part for a list of standard information that shall be documented.
  - 2) Every RP shall be calibrated in a radon calibration chamber, approved by the Department or certified by USEPA, before being placed into service, and after any repairs or modifications. Subsequent recalibrations shall be performed at least once every 12 months, with cross checks with a recently calibrated instrument at least semiannually. Calibration of RPs requires exposure in a controlled radon-exposure chamber where the radon decay product concentration is known during the exposure period. The detector shall be exposed in the chamber using the normal operating flow rate for the RP sampling pumps. Calibration shall include exposure to a minimum of four detectors exposed at different radon decay product concentrations representative of the range found in routine measurements. The relationship of thermoluminescent dosimeter (TLD) reader units or etched track reader units to working level (WL) for a given sample volume and the standard error associated with this measurement shall be determined. Calibration of the RPs includes testing to ensure accuracy of the flow rate measurement.
  - 3) Laboratory Control Detectors. The laboratory background level for each batch of assembled TLDs should be established by each



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checks shall be made using an NIST-traceable alpha calibration source such as Am-241. In addition, the system background count rate shall be assessed in accordance with the manufacturer's specification.

- B) Pumps and flow meters shall be checked in accordance with the manufacturer's specification to ensure accuracy of volume measurements. This may be performed using a dry-gas meter or other flow measurement device of traceable accuracy.

**Section 422.150 Mitigation Standard**

- a) The Mitigation Standard (MS) includes requirements for installation of radon remediation systems and provides a basis for evaluating the quality of such installations. It provides the basis against which in-progress or completed inspections will be evaluated.

- b) Radon Mitigation Professional licensees shall be responsible for all radon mitigation systems installed by their firm or its subcontractors to ensure compliance with the requirements of this Mitigation Standard.

c) Limitations

- 1) Where discrepancies exist between provisions of the MS and municipal codes, the municipal codes shall take precedence, except that the municipal codes shall not take precedence with regard to alterations that may adversely impact the radon reduction functions for which such systems were originally designed and may adversely impact public health and safety regarding exposure to a radioactive element.

- 2) Compliance with the MS does not guarantee reduction of indoor radon concentrations to any specific level.

- 3) Mitigation systems altered after June 1, 1998, shall be upgraded to the requirements of this Section. Altering radon mitigation systems does not include activities such as replacing worn out equipment or providing new filters, while leaving the remainder of the system unchanged. When a mitigation system that does not comply with this part is altered after June 1, 1998, the client shall be notified in writing that the mitigation system does not comply with the mitigation standards of this part. In addition, the professional licensee shall provide a written estimate of the upgrades needed and the cost to bring the system into compliance.

- 4) Radon Mitigation Professional licensees shall have, as reference documents for the design, size, operation, use and selection of the most appropriate mitigation strategy for a given building, the following references, as a minimum:

- A) EPA Training Manual, "Reducing Radon In Structures," (Third Edition), January 1993.  
B) "Radon Reduction Techniques for Detached Houses, Technical Guidance (Second Edition)," EPA/625/5-87/019, January 1988.

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- C) "Application of Radon Reduction Methods," EPA/625/5-88/024, August 1988.

AGENCY NOTE: Copies of these documents are available from the Department.

- 5) Contractors installing research or innovative radon techniques or otherwise deviating from the mitigation standards in this Part shall notify the Department in writing 7 working days prior to the commencement of work. When such research is conducted, a performance standard shall be applied, i.e., post-mitigation radon levels shall be below USEPA's action level (4.0 pCi/L). Written notification to the Department shall include:

- A) Written acknowledgement signed by the client stating that the client understands that the installation deviates from standard installations; and  
B) The technical bases for the mitigation design and description of the functional accomplishments the installed system will achieve.

- d) Quality Assurance. Radon Mitigation Professional licensees shall follow the procedures specified in the Quality Assurance Program as required by Section 422.60(c)(5)(D) of this Part.

- e) General Practices. The following general practices are required for all contacts between Radon Mitigation licensees and clients.

- 1) In the initial contact with a client, the licensee shall review any available results from previous radon tests to assist in developing an appropriate mitigation strategy.

- 2) The licensee shall refer the client to discussions of interpreting indoor radon test results and the health risk associated with the radon level found in the building and shall have available for the client a copy of:

- A) USEPA "A Citizen's Guide to Radon (Second Edition)"; and  
B) USEPA "Consumers Guide to Radon Reduction."

- 3) Whenever a temporary radon reduction system is installed in lieu of a permanent radon reduction system, the licensee shall:

- A) Obtain a signed acknowledgement that the client understands the temporary nature of the system;

- B) Label the system as temporary with a label readable from at least three feet away and that states "This system is temporary and will be replaced with a permanent radon reduction system. The estimated date of installation of the permanent radon reduction system is \_\_\_\_\_."

- C) Inform the Department when the permanent installation is postponed for over 60 days.

- 4) The licensee shall inform the client in writing, at the time a proposal for the installation of a radon reduction system is offered, of any sealants, caulks, or bonding chemicals containing volatile solvents and of the need to ventilate work areas during and after the use of such materials. The licensee shall provide ventilation as recommended by the manufacturer of the material



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in any building wherein confirmed spillage from any natural combustion appliance occurs, until the licensee has confirmed that the problem has been corrected by the client. Licensees shall advise the client to contact an HVAC contractor to correct an existing or potential backdrafting condition.

5) Licensees shall conduct a communication test prior to completing a proposal for the installation of a radon reduction system in any building where the characteristics of the sub-slab material are unknown to the licensee. The results of the communication test shall be documented in writing or on a drawing of the building floor plan.

- g) Systems Design
- 1) All radon mitigation systems shall be designed and installed as permanent, integral additions to a building, except in accordance with subsection (e)(3) of this Section.
  - 2) All radon mitigation systems shall be designed to avoid the creation of other health, safety, or environmental hazards to building occupants, such as backdrafting of natural draft combustion appliances.
  - 3) The main run of vent pipe, from primary suction point to exhaust, shall be 3 inches in diameter to avoid excessive flow noise inside the pipe and noise when the exhaust jet is released.
  - 4) All radon mitigation systems and their components shall be designed to comply with the laws, ordinances, codes, and regulations of relevant jurisdictional authorities, including applicable mechanical, electrical, building, plumbing, energy and fire prevention codes.

- h) Systems Installation
- 1) General Requirements
    - A) All components of radon mitigation systems shall also be in compliance with the applicable mechanical, electrical, building, plumbing, energy and fire prevention codes, standards, and regulations of local jurisdictions.
    - B) The licensee shall obtain all required licenses and permits, and display them in the work areas as required by local ordinances.
    - C) Where portions of structural framing material must be removed to accommodate radon vent pipes, material removed shall be no greater than that permitted for plumbing installations by applicable building or plumbing codes.
    - D) Where radon mitigation system installation requires pipes or ducts to penetrate a firewall or other fire resistance rated wall, floor or ceiling penetrations shall be protected in accordance with applicable building, mechanical, fire and electrical codes.
- AGENCY NOTE: An example of a protected penetration would be the installation of a fire collar on a vent pipe penetrating a ceiling.

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- f) Building Investigation
- 1) The licensee shall conduct a thorough visual inspection of the building prior to initiating any radon mitigation work. The results of the inspection shall be recorded in detail on a drawing of the floor plan. The licensee shall identify and describe any specific building characteristics and configurations, such as large cracks in slabs, exposed earth in crawlspaces, open stairways to basements, and operational conditions, such as continuously running HVAC systems or operation windows, that may affect the design, installation, and effectiveness of radon mitigation systems.
  - A) As part of this inspection, the licensee shall request from the client any available information on the building, such as construction specifications, pictures, drawings, etc., that might be valuable in determining the radon mitigation strategy.
  - B) A floor-plan drawing shall be finalized from preliminary inspection sketches and shall include illustration of the building foundation, the location of all walls, drain fixtures, HVAC systems and radon entry points, results of any diagnostic testing, the layout of any radon mitigation system piping, and the location of any vent fan and system warning devices.
  - C) The finalized drawing shall be an auditable part of the mitigation file and shall be available to the client, or its representatives, upon request.
  - 2) The licensee shall conduct diagnostic tests to assist in identifying and verifying radon entry points and shall document the results of these tests in writing. Such tests may include radon grab sampling, continuous radon monitoring, and the use of smoke sticks.
  - 3) The licensee shall conduct diagnostic tests to evaluate the existence of, or the potential for, backdrafting of natural draft combustion appliances and shall document the results of this evaluation in writing. The licensee shall conduct backdrafting tests in accordance with any of the following procedures:
    - A) American Society of Heating, Refrigeration and Air Conditioning Engineers (ASHRAE) Standard 62-1989, Appendix B, Positive Combustion Air Supply;
    - B) National Gas Code, Appendix H (p. 2223.3-98), 1988, Recommended Procedure for Safety Inspection of an Existing Appliance Installation; or
    - C) A procedure, approved by the Department, that incorporates, as a minimum, all of the check list items in USEPA's Radon Mitigation Standard, Section 11.3 (1)-(10), page 8, Revised April 1994.
  - 4) Licensees shall not install a fan-powered radon reduction system

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- E) Sump pits shall not be used as the primary suction point for mitigation systems, unless in accordance with subsection (c)(5) of this Section. When the sump pit is used as a secondary suction point, a submersible pump shall be installed in the sump pit.
- 2) Passive or skeletal new construction systems are not required components of new building construction, except as included in municipal building codes. Mitigation systems installed in new construction must be performed by a licensed mitigation professional.
- 3) Radon Vent Pipe Installation
- A) All joints and connections in radon mitigation systems using plastic vent pipes shall be permanently sealed with adhesives as specified by the manufacturer of the pipe material used, with two exceptions:
- i) If secondary suction points are installed in sump pits, the system shall be designed with removable or flexible couplings to facilitate removal of the sump pit cover and for sump pump maintenance; and
  - ii) To facilitate maintenance and future replacement, radon vent fans shall be installed in the vent pipe using removable couplings or flexible connections that can be tightly secured to both the fan and the vent pipe.
- B) Attic and external piping runs shall be directed vertically with no obstructions in the discharge except for a rodent screen of wire mesh no smaller than one-fourth inch. Rain caps shall not be installed on the discharge.
- C) Radon vent pipes shall be fastened to the structure of the building with hangers, strapping, or other supports that will adequately secure the vent material. Existing plumbing pipes, ducts, or mechanical equipment shall not be used to support or secure a radon vent pipe.
- D) Supports for radon vent pipes shall be installed at least every 6 feet on horizontal runs. Vertical runs shall be secured either above or below the points of penetration through floors, ceilings, and roofs, or at least every 8 feet on runs that do not penetrate floors, ceilings, or roofs.
- E) To prevent blockage of air flow into the bottom of radon vent pipes, these pipes shall be supported or secured in a permanent manner that prevents their downward movement to the bottom of suction pits or sump pits, or into the soil beneath an aggregate layer under a slab.
- F) Radon vent pipes shall be installed in a configuration that ensures that any rain water or condensation within the pipes drains downward into the ground beneath the slab or soil gas retarder membrane.

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- G) Radon vent pipes shall not block access to any areas requiring maintenance or inspection. Radon vents shall not be installed in front of or interfere with any light, opening, door, window or equipment access area required by code.
- H) To prevent re-entrainment of radon, the point of discharge from vents of fan-powered soil depressurization and block wall depressurization systems shall meet all of the following requirements:
- i) Above the highest eave of the roof and as close to the roof ridge line as possible;
  - ii) 10 feet or more above ground level;
  - iii) 10 feet or more from any window, door, or other opening into conditioned spaces of the structure that is less than 2 feet below the exhaust point; and
  - iv) 10 feet or more from any opening into an adjacent building.
- I) The total required distance (10 feet) from the point of discharge to openings in the structure may be measured either directly between the two points or be the sum of measurements made around intervening obstacles. The exhaust point shall be positioned above the highest eave of the building and as close to the roof ridge line as possible.
- J) When a radon mitigation system is designed to draw soil gas from a perimeter drain tile loop (internal or external) that discharges water through a drain line to daylight or a soakaway, a one-way flow valve, water trap, or other control device shall be installed if diagnostic testing indicates that outside air is entering the system.
- 4) Radon Vent Fan Installation
- A) Vent fans used in radon mitigation systems shall be designed or otherwise sealed to reduce the potential for leakage of soil gas from the fan housing.
- B) Radon vent fans used in active soil depressurization or block wall depressurization systems shall be installed in attics, in garages that are not beneath conditioned spaces, or on the exterior of the building. Radon vent fans shall not be installed below ground nor in the conditioned (heated/cooled) space of a building, nor in any basement, crawlspace, or other interior location directly beneath the conditioned spaces of a building.
- C) Radon vent fans shall be installed in a configuration that avoids condensation buildup in the fan housing. Fans shall be installed in vertical runs of the vent pipe.
- D) Radon vent fans shall be mounted and secured in a manner that minimizes transfer of vibration to the structural framing of the building.
- E) Radon vent fans shall be mounted in the vent pipe with

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mitigate radon, openings in the tops of such walls and all accessible openings or cracks in the interior surfaces of the walls shall be cleaned, prepared and sealed with caulks or other sealants designed for such application. When sealing holes for plumbing rough-in or other large openings in slabs and foundation walls that are below the ground surface, non-shrink mortar, grouts, expanding foam, or other sealants designed for such application shall be used.

- D) Openings or cracks that are determined to be inaccessible or beyond the ability of the licensee to seal shall be disclosed to the client and included in the documentation.
- E) Openings, perimeter channel drains or cracks that exist where the slab meets the foundation wall (floor-wall joint), shall be sealed with urethane caulk or other sealants designed for such application. When the opening or channel is greater than 1/2 inch in width, a foam backer rod shall be inserted in the channel before application of the sealant. This sealing technique shall be done in a manner that retains the channel feature as a water control system. Other openings or cracks in slabs or at expansion or control joints should also be sealed.
- F) When installing baseboard type suction systems, all seams and joints in the baseboard material shall be joined and sealed using materials recommended by the manufacturer of the baseboard system. Baseboards shall be secured to walls and floors with adhesives designed and recommended for such installations. If a baseboard system is installed on a block wall foundation, the tops of the blockwall shall be closed and sealed in accordance with the manufacturer's recommendation.
- G) Any seams in soil gas retarder membranes used in crawlspaces for sub-membrane depressurization systems shall be overlapped at least 12 inches and sealed in a permanent air tight manner using compatible glues. To enhance the effectiveness of sub-membrane depressurization systems, the membrane shall also be sealed around interior piers and to the inside of exterior walls with furring strips and sealant.
- H) In combination with basement/crawlspace foundations, where the crawlspace has been confirmed as a source of radon entry, a soil gas retarder membrane shall be installed in accordance with subsection (h)(6)(G) of this Section. Access doors required by code shall be fitted with air tight gaskets and a means of positive closure, but shall not be permanently sealed. In cases where both the basement and the adjacent crawlspace areas are being mitigated with active SSD and SMD systems, sealing of the openings between those areas is not required.

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removable couplings or flexible connections to facilitate fan removal for repair or replacement.

- F) The intakes of fans used in crawlspace pressurization, or in pressurizing the building itself, shall be screened or filtered to prevent ingestion of debris or personal injury. Screens or filters shall be removable to permit cleaning or replacement and building owners shall be informed of the need to periodically replace or clean such screens and filters. This information shall be included in documentation provided to the client.
- 5) Suction Pit Requirement for Sub-Slab Depressurization (SSD) Systems.
  - A) Materials shall be excavated from the area immediately below the slab penetration point of SSD system vent pipes to provide optimum pressure field extension.
  - B) Sump pits shall not be used as the primary suction point for mitigation systems. When the sump pit is used as a secondary suction point, a submersible pump shall be installed in the sump pit.
  - C) Sump pit covers shall permit observation of conditions in the sump pit.
- 6) Sealing Requirements
  - A) Sump pits that permit entry of soil gas or that would allow conditioned air to be drawn into a sub-slab depressurization system shall be covered and sealed. The covers on sumps that previously provided protection or relief from surface water collection shall be fitted with a water or mechanically trapped drain. Water traps shall be fitted with an automatic supply of priming water. Sump pit covers shall incorporate a viewport to permit observations of conditions in the sump pit, be made of durable plastic or clear polycarbonate, and be designed to permit air-tight sealing and to support the weight (not to exceed 155 pounds) of an individual standing on the cover. To permit easy removal for sump pump servicing, the cover shall be sealed using silicone or other non-permanent type caulking materials or an air-tight gasket.
  - B) Openings around radon vent pipe penetrations of the slab, the foundation walls, or the crawlspace soil gas retarder membrane shall be cleaned, prepared and sealed in a permanent, air-tight manner using compatible caulks or other sealants. Openings around other utility penetrations of the slab, walls, or soil gas retarder shall also be sealed. Cracks in slabs and other small openings around penetrations of the slab and foundation walls shall be cleaned, prepared, and sealed in a permanent air-tight manner using caulks or other sealants designed for such application.
  - C) Where a Block Wall Depressurization (BWD) system is used to



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- I) Crawlspace depressurization without the use of a soil gas retarder membrane shall only be used when the crawlspace is inaccessible. When crawlspace depressurization is used for radon mitigation, openings and cracks in floors above the crawlspace that would permit conditioned air to pass out of the living spaces of the building, shall be identified, closed, and sealed. Sealing of openings around hydronic heat or steam pipe penetrations shall be done using non-combustible materials.
- 7) Electrical Requirements
- A) All electrical components of radon mitigation systems shall conform to provisions of the National Electrical Code and any additional local regulations.
- B) Wiring shall not be located in or chased through the mitigation installation ducting or any other heating or cooling ductwork.
- C) Any plugged cord used to supply power to a radon vent fan shall be no longer than 6 feet in length.
- D) No plugged cord shall penetrate a wall or be concealed within a wall.
- E) Radon mitigation fans installed on the exterior of buildings shall be hard-wired into an electrical circuit. Electrical disconnects shall be installed within line of sight and within 4 feet of the fan. Exteriorly, plugged fans shall be used only inside of weather-proofed fan housings or weather-proofed chases.
- F) If the rated electricity requirements of a radon mitigation system fan exceeds 50 percent of the circuit capacity into which it will be connected, or if the total connected load on the circuit (including the radon vent fan) exceeds 80 percent of the circuit's rated capacity, a separate, dedicated circuit shall be installed to power the fan.
- G) An electrical disconnect switch or circuit breaker shall be installed in radon mitigation system fan circuits to permit deactivation of the fan for maintenance or repair. Disconnect switches are not required with plugged fans.

## 8) Drain Installation Requirements

- A) If drains discharge directly into soil beneath the slab or through solid pipe to a soakaway, the licensee shall install a drain that meets local building codes. (See Sealing Requirements, subsection (h)(6) of this Section.)
- B) If condensate drains from air conditioning units terminate beneath the floor slab, the licensee shall install a trap in the drain that provides a minimum 6-inch standing water seal depth, reroute the drain directly into a trapped floor drain, or reconnect the drain to a condensate pump.
- C) Perimeter (channel or French) drains shall be sealed with backer rods and urethane or comparable sealants in a manner

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that will retain the channel feature as a water control system. (See Sealing Requirement, subsection (h)(6) of this Section.)

- D) When a sump pit is the only system in a basement for protection or relief from excess surface water and a cover is installed on the sump for radon control, the cover shall be recessed and fitted with a trapped drain meeting the requirements of subsection (h)(6) of this Section.

## 9) HVAC Installation Requirements

- A) Modifications to an existing HVAC system that are proposed to mitigate elevated levels of radon should be reviewed and approved by the original designer of the system or by a licensed mechanical contractor.
- B) Foundation vents, installed specifically to reduce indoor radon levels by increasing the natural ventilation of a crawlspace, shall be non-closeable. In areas subject to sub-freezing conditions, the existing location of water supply and distribution pipes in the crawlspace, and the need to insulate or apply heat tape to those pipes, shall be considered when selecting locations for installing foundation vents.
- C) Heat Recovery Ventilation (HRV) systems shall not be installed in rooms that contain friable asbestos.
- D) In HRV installations, supply and exhaust ports in the interior shall be located a minimum of 12 feet apart. The exterior supply and exhaust ports shall be positioned to avoid blockage by snow or leaves and be a minimum of 10 feet apart.
- E) Contractors installing HRV systems shall verify that the incoming and outgoing airflow is balanced to ensure that the system does not create a negative pressure within the building. Contractors shall inform building owners that periodic filter replacement and inlet grill cleaning are necessary to maintain a balanced airflow. Information on filter replacement and inlet grill cleaning shall be provided to the client and shall be included in the documentation.
- F) Both internal and external intake and exhaust vents in HRV systems shall be covered with wire mesh or screening to prevent entry of animals or debris or injury to occupants.
- 10) Materials
- A) As a minimum, all plastic vent pipes in mitigation systems shall be smooth-walled Schedule 40 PVC.
- B) Piping routed exteriorly shall be rated against deterioration from ultra-violet radiation from the sun.
- C) Exteriorly, Schedule 40 PVC or 3-inch by 4-inch metal downspout may be used as the vent pipe.
- D) Vent pipe fittings in a mitigation system shall be of the

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- System". Fans mounted outdoors and exterior vent pipe shall be labelled "Radon Reduction System" in a weatherproof manner.
- F) Fans mounted outdoors and exterior vent pipe shall be identified with a label that reads, "Radon Reduction System". Fans mounted outdoors and exterior vent pipe shall be labelled "Radon Reduction System" in a weatherproof manner.
- G) Sump pits used as suction pits shall be identified with a label that reads, "Radon Reduction System - Removal of this cover may result in failure of the Radon Reduction System. Consult installer's name and phone number before removing this cover and for instructions on the correct procedure for replacing it".
- H) Circuit breakers controlling the circuits on which the radon vent fan and system failure warning devices operate shall be labeled "Radon Reduction System".
- 12) Post Installation Checklist
- A) Upon completion of the installation of any radon mitigation system, the licensee shall complete the following steps, and document them on an installation check sheet that shall be signed and dated by a licensed individual employed by the professional licensee and shall become auditable evidence.
- i) Re-examine and verify the integrity of the fan mounting seals and all joints in the interior vent piping.
  - ii) Verify suction or flows in the system piping or ducting to assure that the system is operating as designed.
  - iii) Test for backdrafting of any natural draft combustion appliances.
  - iv) Advise the client to retest the building at least every 2 years or if the building undergoes significant alteration.
  - v) Request a copy of the report of any post-mitigation testing conducted by the client or by a Radon Measurement Professional licensee.
- B) Radon Mitigation Professional licensees shall inform the client in writing that post-mitigation testing should be conducted no sooner than 24 hours nor later than 30 days following completion and activation of the mitigation system and that the test may be conducted by an independent radon measurement professional or by the resident of the dwelling.
- 13) Post-Mitigation Testing
- A) Evaluate the effectiveness of the mitigation system using an approved test device to assure the system is performing as designed.

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- same material as the vent pipes except as noted in subsection (h)(3)(A) of this Section.
- E) Cleaning solvents and adhesives used to join plastic pipes and fittings shall be as recommended by manufacturers for use with the type of pipe material used in the mitigation system.
- F) When sealing holes for plumbing rough-in or other large openings in slabs and foundation walls that are below the ground surface, non-shrink mortar, grouts, expanding foam or other sealants designed for such application shall be used.
- G) Penetrations of sump covers to accommodate electrical wiring, water ejection pipes, or radon vent pipes shall be designed to permit air-tight sealing around penetrations, using caulk or grommets.
- H) Plastic sheeting installed in crawlspaces as soil gas retarders shall be a minimum of 6 mil (3 mil cross-laminated) polyethylene or equivalent flexible material. Heavier gauge sheeting should be used when crawlspaces are used for storage, or frequent entry is required for maintenance of utilities.
- I) Any wood that comes into direct contact with the soil or concrete and is used in attaching soil gas retarder membranes to crawlspace walls or piers shall be pressure treated or naturally resistant to decay and termites.
- 11) Monitors and Labeling
- A) All active soil depressurization and block wall depressurization systems shall include a mechanism to monitor system performance and warn of system failure.
- B) Electrical radon mitigation system monitors (whether visual or audible) shall be installed on non-switched circuits and be designed to reset automatically when power is restored after service or power supply failure. Battery operated monitoring devices shall not be used unless they are equipped with a low-power warning feature.
- C) Mechanical radon mitigation system monitors, such as manometer type pressure gauges, shall be clearly marked to indicate the range or zone of pressure readings that existed when the system was initially activated.
- D) A system description label shall be placed on the vent pipe next to the manometer. This label shall be legible from a distance of three feet and include the following information, "Radon Reduction System," the installer's name, phone number, the Illinois license number, the date of installation and an advisory that the building should be tested for radon at least every 2 years.
- E) All exposed and visible interior radon mitigation system vent pipe sections shall be identified with at least one label on each floor level that reads, "Radon Reduction

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- B) Post-mitigation tests shall be performed in accordance with the applicable requirements of Section 422.130 of this Part.
- 14) Contracts and Documentation
- A) A proposal for the installation of any radon mitigation system shall include as a minimum:
- i) The licensee's registration number;
  - ii) A statement describing the planned scope of the work and an estimated completion date;
  - iii) A statement describing any known hazards associated with chemicals used in or as part of the installation;
  - iv) A statement indicating compliance with and implementation of the mitigation standards described in this Section;
  - v) A description of any system maintenance that the building owner would be required to perform;
  - vi) An estimate of the installation cost and annual operating costs of the system; and
  - vii) Any warranty or guarantees and the conditions thereof.
- B) Licensees shall maintain the following records for 3 years or for the period of any warranty or guarantees, whichever is longer, and shall make the following records available to the homeowner upon request and documentation of home ownership:
- i) Any building permits required by local codes;
  - ii) Copies of the building investigation summary and floor plan sketch;
  - iii) Pre- and post-mitigation radon test data;
  - iv) Copies of contracts and warranties;
  - v) A description of the mitigation system installed and its basic operating principles;
  - vi) A description of any deviations from the MS and applicable regulations of this Part;
  - vii) A description of the proper operating procedures of any mechanical or electrical systems installed, including manufacturer's operation and maintenance instructions and warranties; and
  - viii) The proposal, contract, and warranties or guarantees made to the client, and any other documentation important to the mitigation system installed.
- C) Licensees shall, upon completion of the mitigation project, provide clients with an information package that includes:
- i) A list of appropriate actions for clients to take if the system failure warning device indicates system degradation or failure; and
  - ii) The name, telephone number, and registration number of the licensee and the phone number of the State radon program.

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**Section 422.APPENDIX A Recommended Testing Strategy for Home Environment Measurements Not Involved in a Real Estate Transaction**

## GRAPHIC MATERIAL

See printed copy of IAC for detail

AGENCY NOTE: This graphic has been taken from the Protocols for Radon and Radon Decay Product Measurements in Homes, EPA 402-R-93-003, June 1993.



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Section 422.APPENDIX B Recommended Testing Strategy for Real Estate  
Transactions

GRAPHIC MATERIAL  
See printed copy of IAC for detail

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## Section 422.APPENDIX C Radon and Radon Decay Product Measurement Method Categories

A (pCi/L)	B (WL)
AC Activated charcoal adsorption integrating	RP Radon progeny sampling unit
AT Alpha track detection	CW Continuous monitor
LS Charcoal liquid scintillation	
CR Continuous radon monitor	
PB Pump-collapsible bag	
SC Evacuated scintillation cell (three day integrating)	
EL Electret ion chamber; long-term	
ES Electret ion chamber; short-term	
UT Unfiltered track detection	

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## Section 422.APPENDIX D Sample Notice

## Radon Measurement in Progress

THIS NOTICE IS POSTED IN ACCORDANCE WITH TITLE 32, CHAPTER II, SUBCHAPTER B: RADIATION PROTECTION, MEASUREMENT PROTOCOL, 422.130(E).  
Tampering with a radon or radon progeny measurement is prohibited by law and may result in civil penalties.

Removal of this Notice, except by the Radon Measurement Professional licensee named below, is considered tampering.

Radon Measurement Professional licensee: \_\_\_\_\_

License No.: \_\_\_\_\_

Company: \_\_\_\_\_

Telephone No(s):. : \_\_\_\_\_

DEPARTMENT OF NUCLEAR SAFETY  
NOTICE OF ADOPTED REPEALER

Thomas J. Carlisle  
Senior Staff Attorney  
Department of Nuclear Safety  
1035 Outer Park Drive  
Springfield, Illinois 62704  
(217) 785-9884 (voice)  
(217) 782-6133 (TDD)

DEPARTMENT OF NUCLEAR SAFETY  
NOTICE OF ADOPTED REPEALER

1) Heading of the Part: Registration of Radon Detection and Mitigation Services

2) Code Citation: 32 Ill. Adm. Code 420

3) Section Number: Adopted Action:

420.10 Repeal  
420.20 Repeal  
420.30 Repeal  
420.40 Repeal  
420.50 Repeal  
420.60 Repeal  
420.70 Repeal  
420.80 Repeal

4) Statutory Authority: Implementing and authorized by the Radon Testing Act. [420 ILCS 45]

5) Effective Date of Repeal: June 1, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Does this repealer contain incorporations by reference? No

8) Date filed in Agency's Principal Office: May 29, 1998

9) Notice of Proposal published in the Illinois Register: February 13, 1998  
(22 Ill. Reg. 3393)

10) Has JCAR issued a Statement of Objections to this Repealer? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? The Joint Committee on Administrative Rules did not issue an agreement letter for this Part.

13) Will this repealer replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Repealer: The Department of Nuclear Safety is repealing this part and replacing it with a new Part 422 entitled "Licensing of Radon Detection and Mitigation Services" which will reflect the requirements contained in the Radon Industry Licensing Act (P.A. 90-262).

16) Information and questions regarding this repealer shall be directed to:



## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: Detection of Deception Examiners Act

2) Code Citation: 68 Ill. Adm. Code 1230

3) Section Numbers:  
 1230.10 Adopted Action:  
 1230.20 Repealed  
 1230.30 Amendment  
 1230.120 Amendment  
 1230.130 Amendment

4) Statutory Authority: Detection of Deception Examiners Act [225 ILCS 430]

5) Effective Date of Amendments: June 1, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: June 1, 1998

9) Date Notice of Proposal Published in Illinois Register: March 13, 1998,  
 at 22 Ill. Reg. 4600.

10) Has JCAR issued a Statement of Objections to these Rules? No

11) Difference(s) between proposal and final version: Several technical changes were made.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect?  
 No

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking repeals outdated material and updates Sections pertaining to practical experience, disclosure of examination results and maintenance of records.

Under practical experience requirements, the minimum number of examinations to be completed is reduced from 50 to 30.

In the Section pertaining to the disclosure of examination results, language is added to clarify that an examiner shall not be required to prepare a written report when asked by a defense attorney on behalf of his/her client not to do so. When the examination is being utilized as

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part of that attorney's work product, it falls under protected attorney/client privilege.

Added to a list of materials an examiner is required to maintain for at least 5 years is a copy of all examination reports prepared by the examiner.

Numerous style changes also were made.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Department of Professional Regulation  
 Attention: Jean Courtney  
 320 West Washington, 3rd Floor  
 Springfield, Illinois 62786  
 217/785-0813  
 Fax: 217/782-7645

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION  
NOTICE OF ADOPTED AMENDMENT(S)

Section 1230.20 Definitions

As used in these Rules, unless the context requires otherwise:

- a) "Examination" means a detection of deception examination, which generally consists of a pre-test interview, question formulation, two or more tests, and, if appropriate, an interrogation.
- b) "Subject" means the person who undergoes an examination.
- c) "Client" means the person who engages the services of an Examiner for the purpose of administering an examination to a subject.
- d) "Specific issue mock examination" means an examination in which the situation is fictitious and designed to simulate a real life criminal act.
- e) "Real life examination" means an examination which uses an actual crime that has been committed.
- fd) "Trainee" means a person registered for the training required by Section 11(Dd) of the Act.
- ge) "Trainer" means a person approved under Section 1230.40(a) to teach the areas in the training required by Section 1230.30(a).
- hf) "Specialized Instructor" means a person approved under Section 1230.40(b) to teach one of the areas in the training required by Section 1230.30(b).
- ig) "Test" is that period of time during which a subject's physiological responses are being measured as he is answering test questions.

(Source: ~~Added~~ JUN 01 1988 22 Ill. Reg. 10567, effective )

Section 1230.30 Six Month Study of Detection of Deception

To obtain the 6 ~~six~~ months of training required by Section 11(D) of the Act, a trainee shall be required to complete the following minimum coursework course under the supervision of instructors approved under Section 1230.40:

- a) The following coursework shall be obtained under the supervision of a trainer(s) as defined in Section 1230.20 of this Part. ~~Trainer(s)~~ shall teach courses in the following areas for the minimum number of hours specified:
  - 1) Fact Taking - Case History Studies - 5 hours
  - 2) General Theory - 10 hours
  - 3) Instrumentation - 10 hours
  - 4) Physical Settings settings for Examinations - 5 hours
  - 5) Question Formulation - 25 hours
  - 6) Pre-Test Interviews - 25 hours
  - 7) Behavior Symptom Analysis - 15 hours
  - 8) Stimulation and Calming Techniques - 10 hours
  - 9) Types of Test and Test Procedures - 25 hours
  - 10) Chart Interpretation - 25 hours
  - 11) Completion and Analysis of Required Reports - 10 hours
  - 12) History of Polygraph - 10 hours

DEPARTMENT OF PROFESSIONAL REGULATION  
NOTICE OF ADOPTED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS  
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1230  
DETECTION OF DECEPTION EXAMINERS ACT

- Section 1230.10 Statutory Authority (Repealed)
- 1230.10 Definitions
- 1230.20 Six Month Study of Detection of Deception
- 1230.30 Instructors Qualifications and Approval
- 1230.40 Application for Registered Training
- 1230.50 Application for Licensure Examination
- 1230.60 Licensure Examination
- 1230.70 Impermissible Advertising
- 1230.80 Pre-Test Interview
- 1230.90 Protection of the Rights of the Subject
- 1230.100 Impermissible Activities of an Examiner
- 1230.110 Disclosure of Examination Results
- 1230.120 Required Records
- 1230.130 Endorsement
- 1230.140 Renewals
- 1230.150 Granting Variances

AUTHORITY: Implementing Section 22 of the Detection of Deception Examiners Act (225 ILCS 430) and authorized by Section 60(7) of the Civil Administrative Code of Illinois (20 ILCS 2105/60(7)).

SOURCE: Regulations Promulgated for the Administration and Enforcement of the Illinois Detection of Deception Examiners Act, effective June 26, 1975; codified at 5 Ill. Reg. 11031; amended at 6 Ill. Reg. 788, effective January 15, 1982; transferred from Chapter I, 68 Ill. Adm. Code 230 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1230 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2929; amended at 22 Ill. Reg. 10567, effective

JUN 01 1988

Section 1230.10 Statutory Authority (Repealed)

~~These rules are promulgated pursuant to Section 22 of "An Act to provide for licensing and regulating detection of deception examiners, and to make an appropriation in connection therewith," approved August 23, 1963, as amended ("Act"), (Ill. Rev. Stat. 1979, Ch. III, Part 2423)~~

(Source: ~~Repealed~~ JUN 01 1988 at 22 Ill. Reg. 10567, effective )

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- 13) Ethics - 5 hours  
 14) Interrogation - 25 hours  
 15) Practical Experience - 30 specific 50 examinations (at least 15 shall be real life examinations and the other 15 may be specific issue mock examinations).

b) The following courses shall be obtained under a specialized instructor as defined in Section 1230.20(f): Specialized instructors shall teach the appropriate course for the minimum number of hours specified:

- 1) Physiological Aspects - 25 hours  
 2) Psychological Aspects - 15 hours  
 3) Legal Aspects - 15 hours

c) The practical experience required under subsection (a)(15), above, must be earned in the following manner:

- 1) Before a trainee is allowed to conduct any actual real life examinations, he/she must have satisfactorily completed at least 100 hours of formalized instruction.  
 2) The trainee must be personally supervised by a trainer while he/she conducts the 30 specific actual examinations. Supervision means the trainer must be at the location where the test is being administered to assist the trainee in:  
 A) Evaluating the facts;  
 B) Formulating the questions;  
 C) Conducting the examination;  
 D) Interpreting the polygraph charts; and  
 E) Making the final analysis of the examination results.

3) The trainee must conduct the real life examinations and the specific issue mock examinations under the personal supervision of a trainer.  
 A) Specific issue mock examinations must investigate whether a person performed a specific act and do not include pre-employment screening examinations.  
 B) The specific real life cases must reflect a blend of investigative issues. This testing must reflect a balance of at least 5 different types of investigative issues (such as burglary, theft, robbery) and include at least 1 examination involving as the subject either a victim, witness or informant.

3) The trainee must conduct a minimum of 50 actual (real-life) examinations under supervision, at least 15 of which must be specific issue examinations. Specific issue examinations test whether a person performed a specific act.

(Source: Amended JUN 01 1998 22 Ill. Reg. 10567, effective

## Section 1230.120 Disclosure of Examination Results

- a) An examiner shall prepare a written report of each

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examination administered he-administers, that which shall contain at least the following information:

- 1) Identity of the subject;  
 2) Identity of the client; and  
 3) For:

A) Pre-employment pre-employment examinations, the results of the examination; or

B4) All For-all other examinations:

iA) A statement of the facts upon which he/she conducted both the pre-test interview with the subject and the examination itself.

iiB) A list of the questions asked on the tests that which were relevant to the issues upon which that the subject agreed to be examined upon.

iiiE) His/her conclusion as to truth or deception of the subject's answer to each of the questions listed in the his report.

b) An examiner shall not include in the his report any conclusion as to the truth or deception of the subject with regard to any matters not submitted by the client for determination.

c) An examiner shall not report his/her professional conclusion as to truth or deception on a relevant issue without having asked the question relating to that issue at least once in each of 2 two separate tests.

d) If a defense attorney has asked that an examination of his/her client be conducted and later asks that the examiner not issue a written report, an examiner shall not be required to prepare a written report. When the examination is being utilized as part of that attorney's work product, it falls under protected attorney/client privilege. The request must be documented and kept in the file pursuant to Section 1230.130.

e) When retained privately, an examiner shall not be required to prepare a written report when asked not to do so by the client. The request must be noted and kept in the file pursuant to Section 1230.130.

(Source: Amended JUN 01 1998 22 Ill. Reg. 10567, effective

## Section 1230.130 Required Records

An examiner shall, in the case of every examination administered by him/her, maintain a record for at least 5 years which shall contain at least the following:

- a) All material upon which he/she conducted the pre-test interview.  
 b) The questions asked of the subject at the pre-test interview and his/her answers.  
 c) The examination questions, as formulated at the pre-test interview, and the subject's answers.



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- d) The exact questions asked of the subject at any time during the examination and the subject's answers thereto.
- e) All recordings of the polygraph instrument made during the tests adequately identified as to the order in which the recordings were obtained, the point at which every question was asked and the answer thereto, the identification of each question and any notations indicating changes of the subject's behavior and environmental influence that might affect the polygraph's recordings.
- f) All written consents and acknowledgments of the subject as required by these Rules.
- g) A copy of all examination reports prepared by an examiner.

(Source: Amended 1998 22 Ill. Reg. 10567, effective  
JUN 01 1998)

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- 1) Heading of the Part: Illinois Dental Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1220
- 3) Section Numbers: 1220.415  
Adopted Action: New Section
- 4) Statutory Authority: Illinois Dental Practice Act [225 ILCS 25]
- 5) Effective Date of Amendments: June 1, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 1, 1998
- 9) Date Notice of Proposal Published in Illinois Register: January 23, 1998,  
at 22 Ill. Reg. 2066
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Difference(s) between proposal and final version: None
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect?  
Yes
- 14) Are there any Amendments pending on this Part? Yes, at 21 Ill. Reg.  
10889, August 8, 1997
- 15) Summary and Purpose of Amendments: Public Act 90-0061, effective December 30, 1997, includes changes in the fee structure under the Illinois Dental Practice Act. Among its changes was an increase in the renewal fees for dentists and dental hygienists and elimination of other statutory fees, replacing them with fees set by administrative rule. Under this proposed rulemaking, application fees for dentists, dental specialists, dental hygienists, and continuing education sponsors are increased, as are application fees for sedation permits and temporary training and restricted faculty licenses.
- 16) Information and questions regarding this amended part shall be directed to:

Department of Professional Regulation  
Attention: Jean Courtney

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320 West Washington, 3rd Floor  
Springfield, Illinois 62786  
217/785-0813  
Fax #: 217/782-7645

The full text of the Adopted Amendments begins on the next page:

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## PART 1220

## ILLINOIS DENTAL PRACTICE ACT

## SUBPART A: DENTIST

Section	
1220.100	Application for Licensure
1220.110	Application for Examination
1220.120	Clinical Examinations
1220.130	System of Retaking the Clinical Sections of the Examination
1220.140	Minimum Standards for an Approved Curriculum in Dentistry
1220.150	Licensure (Repealed)
1220.155	Restricted Faculty Licenses
1220.156	Temporary Training License
1220.160	Restoration
1220.170	Renewal

## SUBPART B: DENTAL HYGIENIST

Section	
1220.200	Application for Licensure
1220.210	Application for Examination
1220.220	Clinical Examination
1220.230	System of Grading (Repealed)
1220.231	System of Retaking the Clinical Examination
1220.240	Permitted Duties of Dental Auxiliaries
1220.250	Approved Programs of Dental Hygiene
1220.260	Restoration
1220.270	Renewal

## SUBPART C: DENTAL SPECIALIST

Section	
1220.310	Applications
1220.320	Examination
1220.330	System of Grading (Repealed)
1220.335	American Board Diplomates
1220.340	Specialty Listing (Repealed)
1220.350	Restoration
1220.360	Renewal

## SUBPART D: GENERAL

## Section

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1220.400 Reportable Diseases and Conditions  
 1220.405 Reporting of Adverse Occurrences  
 1220.410 Endorsement  
 1220.415 Fees  
 1220.421 Advertising  
 1220.425 Referral Services  
 1220.431 Employment by Corporation (Repealed)  
 1220.435 Renewals (Repealed)  
 1220.440 Continuing Education  
 1220.441 Granting Variances

## SUBPART E: ANESTHESIA PERMITS

Section  
 1220.500 Definitions  
 1220.510 Light Parenteral Conscious Sedation  
 1220.520 General Anesthesia and Deep Parenteral Conscious Sedation  
 1220.525 Renewal  
 1220.530 Anesthesia Review Panel  
 1220.540 Approved Programs in Anesthesiology  
 1220.550 Reporting of Adverse Occurrences  
 1220.560 Restoration of Permits

APPENDIX A Pre-clinical Restorative Dentistry Sub-section (Repealed)  
 APPENDIX B Dental Assistant Permitted Procedures  
 APPENDIX C Dental Hygienist Permitted Procedures

AUTHORITY: Implementing the Illinois Dental Practice Act [225 ILCS 25] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations for the Administration and Enforcement of the Provisions of the Illinois Dental Practice Act, effective August 16, 1967; amended at 3 Ill. Reg. 16, p. 21, effective April 21, 1979; amended at 3 Ill. Reg. 42, p. 266, effective October 3, 1979; codified at 5 Ill. Reg. 11028; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 4174, effective May 24, 1982; amended at 6 Ill. Reg. 7448, effective June 15, 1982; emergency amendment at 7 Ill. Reg. 8952, effective July 15, 1983, for a maximum of 150 days; August 15, 1984; amended at 10 Ill. Reg. 20725, effective December 1, 1986; transferred from Chapter I, 68 Ill. Adm. Code 220 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1220 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2926; amended at 13 Ill. Reg. 4191, effective March 16, 1989; amended at 13 Ill. Reg. 15043, effective September 11, 1989; amended at 17 Ill. Reg. 1559, effective January 25, 1993; emergency amendment at 17 Ill. Reg. 8309, effective

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May 21, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 15890, effective September 21, 1993; amended at 17 Ill. Reg. 21492, effective December 1, 1993; amended at 19 Ill. Reg. 6606, effective May 2, 1995; amended at 21 Ill. Reg. 378, effective December 20, 1996; emergency amendment at 22 Ill. Reg. 2332, effective January 8, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 10574, effective January 9, 1998.

## SUBPART D: GENERAL

## Section 1220.415 Fees

The following fees shall be paid to the Department and are not refundable:

## a) Application Fees.

- 1) The fee for application for initial license as a dentist is \$250.
- 2) The fee for application as a dental specialist is \$300.
- 3) The fee for application as a dental hygienist is \$100.
- 4) Applicants for any examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the cost of determining an applicant's eligibility and providing the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the examination fee.
- 5) The fee for application for a dentist licensed under the laws of another jurisdiction is \$750.
- 6) The fee for application for a dental sedation permit is \$300.
- 7) The fee for application for a restricted faculty license is \$250.
- 8) The fee for application for a temporary training license is \$150.
- 9) The fee for application as a continuing education sponsor is \$1,000.

## b) Renewal Fees.

- 1) The fee for the renewal of a license as a dentist is \$150, pursuant to Section 21 of the Act.
- 2) The fee for the renewal of a license as a dental specialist is \$150, pursuant to Section 21 of the Act.
- 3) The fee for the renewal of a license as a dental hygienist is \$75, pursuant to Section 21 of the Act.
- 4) The fee for the renewal of a sedation permit is \$150.
- 5) The fee for the renewal of a license as a continuing education sponsor is \$500.

## c) General Fees.

- 1) The fee for the restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees.
- 2) The fee for the issuance of a duplicate license, for the issuance of a replacement license, for a license which has been lost or destroyed or for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee



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is required for name and address changes on Department records when no duplicate license is issued.

- 3) The fee for a certification of a licensee's record for any purpose is \$20.
- 4) The fee to have the scoring of an examination administered by the Department reviewed and verified is \$20 plus any fees charged by the applicable testing service.
- 5) The fee for a wall certificate showing licensure shall be the actual cost of producing such certificate.
- 6) The fee for a roster of persons licensed in this State under the Dental Practice Act shall be the actual cost of producing such a roster.

(Source: Added at 22 Ill. Reg. 10574, effective JUN 01 1998)

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- 1) Heading of the Part: Medical Practice Act of 1987
- 2) Code Citation: 68 Ill. Adm. Code 1285
- 3) Section Numbers: Adopted Action:  
1285.110 Amendment
- 4) Statutory Authority: Medical Practice Act of 1987 [225 ILCS 60].
- 5) Effective Date of Amendments: June 1, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 1, 1998
- 9) Date Notice of Proposal Published in Illinois Register: February 20, 1998, at 22 Ill. Reg. 3706.
- 10) Has JCAR issued a Statement of Objections to these Rules? No
- 11) Difference(s) between proposal and final version: Journal reading was specifically included under informal continuing medical education. Other technical changes were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect?  
No
- 14) Are there any Amendments pending on this Part? No
- 15) Summary and Purpose of Amendments: Public Act 89-702, the reauthorization of the Medical Practice Act of 1987, directs the Department to promulgate rules for continuing medical education (CME) for persons licensed under the Act for 50 hours of CME per year; these proposed rules implement this provision. For the July 31, 1999 renewal, licensees will be required to complete 50 hours of CME taken on or after July 1, 1997. Beginning with the July 31, 2002 renewal and every renewal thereafter, licensees will be required to complete 50 hours of CME per year for a total of 150 hours per prerenewal period.
- 16) Information and questions regarding these Adopted Amendments shall be directed to:

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

Department of Professional Regulation  
 Attention: Jean Courtney  
 320 West Washington, 3rd Floor  
 Springfield, Illinois 62786  
 217/785-0813 Fax: 217/782-7645

The full text of the Adopted Amendments begins on the next page:

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## PART 1285

## MEDICAL PRACTICE ACT OF 1987

SUBPART A: MEDICAL LICENSING, RENEWAL  
 AND RESTORATION PROCEDURE

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 1285.120  
 1285.130  
 1285.140

Six (6) Year Post-Secondary Programs of Medical Education  
 Programs of Chiropractic Education  
 Approved Postgraduate Training Programs  
 Application for Examination  
 Examinations  
 Application for a License on the Basis of Examination  
 Licensure by Endorsement  
 Temporary Licenses  
 Visiting Resident Permits  
 Clinical Skills Standards for Applicants Having Graduated More Than  
 Five (5) Years Prior to Application  
 Visiting Professor Permits  
 Visiting Physician Permits  
 Chiropractic Physician Preceptorship  
 Continuing Medical Education (CME)  
 Renewals  
 Restoration and Inactive Status  
 Granting Variances

## SUBPART B: MEDICAL DISCIPLINARY PROCEEDINGS

Section  
 1285.200  
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Medical Disciplinary Board  
 Complaint Committee  
 The Medical Coordinator  
 Complaint Handling Procedure  
 Informal Conferences  
 Consent Orders  
 Summary Suspension  
 Mandatory Reporting of Impaired Physicians by Health Care  
 Institutions  
 Standards  
 Advertising  
 Monitoring of Probation and Other Discipline and Notification  
 Rehabilitation  
 Fines  
 Subpoena Process of Medical and Hospital Records

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1285.270 Inspection of Physical Premises  
1285.275 Failing to Furnish Information

## SUBPART C: GENERAL INFORMATION

## Section

1285.310 Public Access to Records and Meetings  
1285.320 Response to Hospital Inquiries  
1285.330 Rules of Evidence

AUTHORITY: Implementing the Medical Practice Act of 1987 [25 ILCS 60] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 13 Ill. Reg. 483, effective December 29, 1988; emergency amendment at 13 Ill. Reg. 651, effective January 1, 1989, for a maximum of 150 days; emergency expired May 31, 1989; amended at 13 Ill. Reg. 10613, effective June 16, 1989; amended at 13 Ill. Reg. 10925, effective June 21, 1989; emergency amendment at 15 Ill. Reg. 7785, effective April 30, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 13365, effective September 3, 1991; amended at 15 Ill. Reg. 17724, effective November 26, 1991; amended at 17 Ill. Reg. 17191, effective September 27, 1993; expedited correction at 18 Ill. Reg. 312, effective September 27, 1993; amended at 20 Ill. Reg. 7888, effective May 30, 1996; amended at 22 Ill. Reg. 6985, effective April 6, 1998; amended at 22 Ill. Reg. 10580, effective JUN 01 1998.

## SUBPART A: MEDICAL LICENSING, RENEWAL AND RESTORATION PROCEDURE

## Section 1285.110 Continuing Medical Education (CME)

The Department shall promulgate rules of continuing education for persons licensed under this Act who are not otherwise subject to equivalent continuing education requirements of relevant specialty societies or boards in establishing such rules; the Department shall consider educational requirements for medical staff requirements for specialty society board certification or for continuing education requirements as a condition of membership in societies representing the 2 categories of licensee under this Act. Such rules shall assure that licensees are given the opportunity to participate in those programs sponsored by or through their professional associations or hospitals which are relevant to their practice. (Section 20 of the Act.)

a) CME Programs--CME shall be recognized but not necessarily limited to verified attendance at or participation in the certificate-of-attendance-completion or participation in the following types of activities:

- i) Formal programs conducted or endorsed by hospitals, specialty societies, facilities or other organizations accredited to offer CME credit by the Accreditation Council on Continuing Medical Education, the Illinois State Medical Society, the Committee on

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Continuing Education of the American Osteopathic Association, Illinois Association of Osteopathic Physicians and Surgeons, Illinois Chiropractic Society, Illinois State Chiropractic Association or a similarly recognized Continuing Medical Education provider.

- 2) Formal CME programs conducted by medical, chiropractic or osteopathic education programs either to prepare individuals for licensure pursuant to the provisions of the Medical Practice Act of 1987 or for postgraduate training.
- 3) CME programs required for certification or recertification by a specialty board.
- 4) CME activities required as a continuation of membership in specialty societies or professional associations.
- 5) Service as a faculty member of a program of education to prepare persons for licensure under the provisions of the Medical Practice Act or for postgraduate training.
- 6) Reading journals and/or viewing audiovisual materials or other relevant information to the practice for which the licensee is licensed.
- 7) Upon the recommendation of the Medical Licensing Board, the Department shall in individual cases recognize additional activities for compliance with this Section 1285.130.
- b) Each licensee shall at the time of renewal or restoration of his license, indicate under oath on his renewal application if he has obtained CME during the three (3) years prior to such renewal or restoration.
- c) The provisions of subsection (b) above shall not apply to licensees renewing their licenses for the first time following initial issuance. This rule shall apply for the renewal of licenses scheduled to expire July 31, 1990, and subsequent renewal periods and the restoration of any license after that date.
- e) Noncompliance with CME requirements
- i) Any licensee who indicates on his renewal form that he is in noncompliance with CME requirements shall file with the Department an affidavit detailing the reasons for the noncompliance.
- 2) The Department upon the recommendation of the Medical Licensing Board shall waive compliance with CME requirements in circumstances of extreme hardship which shall be determined on an individual basis and is defined as an inability to devote sufficient hours to fulfilling the CME requirements as documented by:
- A) serving full time in the Armed Forces of the United States;  
B) an incapacitating illness as documented by a currently licensed physician;  
C) retirement from practice;  
D) undue hardship (prolonged hospitalization, family illness) or



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- B) any other similar extenuating circumstances;
- 3) Any licensee who indicates that he has not obtained CME for reasons other than those above shall be granted one (1) year to engage in CME activities and submit evidence (i.e., certificate of attendance, completion or participation) to the Department of compliance;
- 4) If, at the end of one year, the licensee does not submit proof of CME, such information shall be forwarded to the Medical Disciplinary Board to determine if the licensee's license shall be disciplined;
- 5) Information about any licensee who indicated on his renewal form that he has complied with CME, and who is subsequently found not to have complied in the course of the Department's random audit shall be forwarded to the Medical Disciplinary Board to determine if the licensee's license shall be disciplined pursuant to 66 Ill. Adm. Code 1110 and 1205.

The Department shall promulgate rules of continuing education for persons licensed under the Act that require 50 hours of continuing education each year. These rules shall be consistent with requirements of relevant professional associations, specialty societies, or boards. The rules shall also address variances for illness or hardship. In establishing these rules, the Department shall consider educational requirements for medical staffs, requirements for specialty society board certification or for continuing education requirements as a condition of membership in societies representing the 2 categories of licensee (physicians licensed to practice medicine in all of its branches and chiropractic physicians) under the Act. These rules shall assure, but not be limited to, that licensees are given the opportunity to participate in those programs sponsored by or through their professional associations or hospitals which are relevant to their practice. Each licensee is responsible for maintaining records of completion of continuing education and shall be prepared to produce the records when requested by the Department. (Section 20 of the Act).

- a) Continuing Medical Education Hours Requirements
- 1) For the July 31, 1999 renewal, a licensee will be required to complete 50 hours of continuing medical education (CME). The Department will accept CME taken on or after July 1, 1997. Beginning with the July 31, 2002 renewal and every renewal thereafter, in order to renew a license, a licensee shall be required to complete 50 hours of continuing medical education per year for a total of 150 hours per pre-renewal period.
- 2) A pre-renewal period is the 36 months preceding July 31 in the year of the renewal.
- 3) One CME hour shall equal one clock hour. After completion of the initial CME hour, credit may be given in one-half hour increments.
- 4) Continuing medical education each year means continuing medical education earned in a calendar year or from July 31 to July 31 of

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- the following year.
- 5) A renewal applicant shall not be required to comply with CME requirements for the first renewal of an Illinois license.
- 6) Individuals licensed in Illinois but residing and practicing in other states shall comply with the CME requirements set forth in this Section.
- 7) Continuing medical education credit hours used to satisfy the CME requirements of another jurisdiction may be applied to fulfill the CME requirements of the State of Illinois if the CME required by the other jurisdiction is consistent with the CME requirements set forth in this Section.
- 8) The Department, upon recommendation of the Medical Licensing Board, will accept the American Medical Association Physician Recognition Award (AMA PRA) certificate awarded to physicians licensed to practice medicine in all of its branches as documentation of compliance with the 150 CME hours set forth in this Part. The hours shall be earned consistently with the pre-renewal period set forth in subsection (a)(2).
- 9) CME used to satisfy the requirements for renewal of a license may not be used to satisfy the CME requirements for another renewal period.
- 10) The CME requirements set forth in this Section apply to both physicians licensed to practice medicine in all of its branches and chiropractic physicians licensed in Illinois.
- b) Continuing Medical Education (CME) hours for both physicians licensed to practice medicine in all of its branches and chiropractic physicians licensed to practice medicine to treat human ailments without the use of drugs and without operative surgery in Illinois shall be earned by, but not limited to, verified attendance at (e.g., certificate of attendance or certificate of completion) or participation in a program or course (program) as follows:
- 1) CME hours shall be earned as follows:
- A) A minimum of 40% of required CME hours shall be obtained in formal CME programs set forth in subsection (b)(2);
- B) A maximum of 60% of the required CME hours shall be obtained in informal CME programs or activities as set forth in subsection (b)(3).
- 2) Formal CME Programs:
- A) Formal programs conducted or endorsed by hospitals, specialty societies, facilities or other organizations approved to offer CME credit as set forth in subsection (c) below.
- B) Formal CME programs conducted by medical, chiropractic or osteopathic colleges, schools or education programs, including the Accreditation Council for Graduate Medical Education, the Council on Continuing Medical Education of the American Osteopathic Association or the Commission on Accreditation of the Council of Chiropractic Education

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schools, either to prepare individuals for licensure pursuant to the provisions of the Act or for postgraduate training.

- C) CME programs required for certification or recertification by specialty boards and professional associations.

- D) Activities which are given by sponsors approved in accordance with this Section:

- i) CME utilizing materials such as CD-ROMS, printed educational materials, audiotapes, video cassettes, films, slides and computer assisted instruction that provide a clear, concise statement of the educational objectives and indicate the intended audience. These programs shall also have a method of verifying physicians' participation;
- ii) Journal club activities;
- iii) Self-assessment activities; and
- iv) Journal-based CME.

- 3) Informal CME programs or activities shall consist of, but not be limited to, any of the following activities that the licensee must document including the dates and a brief description of the activity:

- A) Consultation with peers and experts concerning patients;
- B) Use of electronic databases in patient care;
- C) Small group discussions;
- D) Teaching health professionals;
- E) Medical writing;
- F) Teleconferences;
- G) Preceptorships;
- H) Participating in formal peer review and quality assurance activities;
- I) Preparation of educational exhibits; and
- J) Journal reading.

- c) CME Sponsors and Formal Programs

- 1) Sponsor, as used in this Section, shall mean:

- A) For physicians licensed to practice medicine in all of its branches:
  - i) Accreditation Council on Continuing Medical Education and organizations accredited by ACCME as sponsors of CME;
  - ii) Illinois State Medical Society, or its affiliates;
  - iii) Council on Continuing Medical Education for the American Osteopathic Association and the Illinois Osteopathic Medical Society or its affiliates;
  - iv) Any other accredited school, college or university, State agency, or any other person, firm, or association that has been approved and authorized by the Department pursuant to subsection (c)(2) below to coordinate and present continuing medical education

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- B) For chiropractic physicians:

- i) Illinois Chiropractic Society, or its affiliates;
- ii) Illinois Prairie State Chiropractic Association, or its affiliates;
- iii) International Chiropractic Association, or its affiliates;
- iv) American Chiropractic Association, or its affiliates;
- v) Any other accredited school, college or university, State agency, or any other person, firm, or association that has been approved and authorized by the Department pursuant to subsection (c)(2) below to coordinate and present continuing medical education courses and programs in conjunction with this Section.

- C) Physicians licensed to practice medicine in all of its branches or chiropractic physicians may earn CME hours from the sponsors set forth in subsections (c)(1)(A) and (B) above.

- 2) An entity, not listed in subsections (c)(1)(A) and (B) above, seeking approval as a CME sponsor for formal programs shall submit an application, on forms supplied by the Department, along with a \$2000 nonrefundable application fee. (State agencies, State colleges and State universities in Illinois shall be exempt from paying this fee.) The application shall include:

- A) Certification:
  - i) That all programs offered by the sponsor for CME credit shall comply with the criteria in subsection (c)(3) below and all other criteria in this Section;
  - ii) That the sponsor shall be responsible for verifying completion of each program and provide a certificate of attendance as set forth in subsection (c)(9) below;
  - iii) That, upon request by the Department, the sponsor shall submit evidence (e.g., certificate of attendance or course material) as is necessary to establish compliance with this Section. Evidence shall be required when the Department has reason to believe that there is not full compliance with the statute and this part and that this information is necessary to ensure compliance;
  - iv) That each sponsor shall submit to the Department written notice of program offerings, including program offerings of subcontractors, 30 days prior to course dates. Notice shall include the description, location, date and time of the program to be offered.
- B) A copy of a sample program including course materials, syllabi and a list of faculty.
- 3) All formal programs shall:



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- A) Contribute to the advancement, extension and enhancement of the professional skills and scientific knowledge of the licensee;
  - B) Foster the enhancement of general or specialized practice and values;
  - C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
  - D) Specify the course objectives, course content and teaching methods to be used; and
  - E) Specify the number of CME hours that may be applied to fulfilling the Illinois CME requirements for license renewal.
- 4) Each CME formal program shall provide a mechanism for evaluation of the program and instructor by the participants. The evaluation may be completed on-site immediately following the program presentation or an evaluation questionnaire may be distributed to participants to be completed and returned by mail. The sponsor and the instructor, together, shall review the evaluation outcome and revise subsequent programs accordingly.
- 5) An approved sponsor may subcontract with individuals and organizations to provide approved programs. All advertising, promotional materials, and certificates of attendance must identify the licensed sponsor and the sponsor's license number. The presenter of the program may also be identified, but shall be identified as a presenter. When a licensed sponsor subcontracts with a presenter, the licensed sponsor retains all responsibility for attendance, providing certificates of attendance and ensuring the program meets all of the criteria established by the Act and this Part, including the maintenance of records.
- 6) To maintain approval as a sponsor, each shall submit to the Department by July 31 in the year of renewal a renewal application, a \$2000 fee and a list of courses and programs offered within the last 36 months. The list shall include a brief description, location, date and time of each course given by the sponsor and by any subcontractor.
- 7) Certification of Attendance. It shall be the responsibility of a sponsor to provide each participant in a program with a certificate of attendance or participation. The sponsor's certificate of attendance shall contain:
- A) The name, address and license number of the sponsor;
  - B) The name and address of the participant;
  - C) A brief statement of the subject matter;
  - D) The number of hours attended in each program;
  - E) The date and place of the program; and
  - F) The signature of the sponsor.
- 8) The sponsor shall maintain attendance records for not less than 5 years.

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- 9) The sponsor shall be responsible for assuring that no renewal applicant shall receive CME credit for nonparticipation in a program.
  - 10) Upon the failure of a sponsor to comply with any of the preceding requirements of this Section, the Department, after notice to the sponsor and hearing before and recommendation by the Board (see 68 Ill. Adm. Code 1110), shall thereafter refuse to accept for CME credit attendance at or participation in any of that sponsor's CME programs until such time as the Department receives assurances of compliance with this Section.
  - 11) Notwithstanding any other provision of this Section, the Department or Board may evaluate any sponsor of any approved CME program at any time to ensure compliance with requirements of this Section.
- d) Certification of Compliance with CME Requirements
- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CME requirements set forth in subsections (a) and (b) above.
  - 2) The Department may require additional evidence demonstrating compliance with the CME requirements (e.g., certificate of attendance). This additional evidence shall be required in the context of the Department's random audit. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance.
  - 3) When there appears to be a lack of compliance with CME requirements, an applicant shall be notified in writing and may request an interview with the Licensing Board. At that time the Licensing Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].
- The Department shall conduct a random audit to verify compliance with the CME requirements.
- e) Continuing Medical Education Earned in Other Jurisdictions
- 1) If a licensee has earned or is seeking formal CME hours offered in another jurisdiction not given by an approved sponsor for which the licensee will be claiming credit toward full compliance in Illinois, the applicant shall submit an individual program approval request form, along with a \$25 processing fee, prior to participation in the program or within 90 days prior to expiration of the license. The Licensing Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(3) of this Section.
  - 2) If a licensee fails to submit an out of state CME approval form within the required time frame, late approval may be obtained by submitting the approval request form with the \$25 processing fee plus a \$100 per hour of CME late fee not to exceed \$500. The Licensing Board shall review and recommend approval or disapproval of the program using the criteria set forth in



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subsection (c)(3) of this Section.

- f) Restoration of Nonrenewed License. Upon satisfactory evidence of compliance with CME requirements, the Department shall restore the license upon payment of the required fee as provided in Section 13(4) and (5) of the Act.

- g) Waiver of CME Requirements

1) Any renewal applicant seeking renewal of a license without having fully complied with these CME requirements shall file with the Department a renewal application along with the required fee set forth in Section 13(3) of the Act, a statement setting forth the facts concerning non-compliance and a request for waiver of the CME requirements on the basis of these facts. A request for waiver shall be made prior to the renewal date. If the Department, upon the written recommendation of the Licensing Board, finds from such affidavit or any other evidence submitted that extreme hardship has been shown for granting a waiver, the Department shall waive enforcement of CME requirements for the renewal period for which the applicant has applied.

2) Hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CME requirements during the applicable prerenewal period because of:

- A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
- B) An incapacitating illness documented by a statement from a currently licensed physician;
- C) Undue hardship (prolonged hospitalization, family illness); or
- D) Any other similar extenuating circumstances.

3) Any renewal applicant who, prior to the expiration date of the license, submits a request for a waiver, in whole or in part, pursuant to the provisions of this Section shall be deemed to be in good standing until the final decision on the application is made by the Department.

(Source: ~~Amended~~ 1998 22 Ill. Reg. 10580, effective

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## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Professional Geologist Licensing Act
- 2) Code Citation: 68 Ill. Adm. Code 1252
- 3) Section Numbers: Adopted Action:  
1252.10 Amendment  
1252.50 Amendment
- 4) Statutory Authority: Professional Geologist Licensing Act [225 ILCS 745]
- 5) Effective Date of Rules: June 1, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Rules contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 1, 1998
- 9) Date Notice of Proposal Published in Illinois Register: February 13, 1998, at 22 Ill. Reg. 3401
- 10) Has JCAR issued a Statement of Objections to these Rules? No
- 11) Difference(s) between proposal and final version: Several technical changes were made.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Rules replace Emergency Rules currently in effect? Yes
- 14) Are there any Amendments pending on this Part? Yes, at 22 Ill. Reg. 7530, May 1, 1998
- 15) Summary and Purpose of Rules: A review of applications of currently practicing professional geologists found that many did not have a degree in geology, but had completed all of the required coursework; accordingly, the education requirement has been amended to include completion of either an undergraduate or graduate degree if their transcripts indicated they had in fact completed all the coursework required in Section 1252.40 of this Part. The Department has also chosen to accept, upon recommendation of the Board, the cumulative total of professional geological work or research of university faculty members under certain conditions. Finally, the experience requirement of 1,800 hours per year for 4 years threatened to disenfranchise many current professional geologists, who often had 15 or 20 years experience but failed to meet the full-time criteria. Therefore, these rules provide one year of credit for 1500 hours experience, regardless of whether or not it was full- or part-time.

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- 16) Information and questions regarding this adopted part shall be directed to:

Department of Professional Regulation  
 Attention: Jean Courtney  
 320 West Washington, 3rd Floor  
 Springfield, Illinois 62786  
 217/785-0813  
 Fax: 217/782-7645

The full text of the Adopted Rules begins on the next page:

## DEPARTMENT OF PROFESSIONAL REGULATION

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TITLE 68: PROFESSIONS AND OCCUPATIONS  
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
 SUBCHAPTER B: PROFESSIONS AND OCCUPATIONS

PART 1252  
 PROFESSIONAL GEOLOGIST LICENSING ACT

Section	
1252.10	Application for Licensure Without Examination (Grandfather)
1252.20	Application for Examination/Licensure
1252.30	Examination
1252.40	Approved Programs of Geology
1252.50	Experience
1252.60	Endorsement
1252.70	Renewal
1252.80	Fees
1252.90	Inactive Status
1252.100	Restoration
1252.110	Code of Professional Conduct and Ethics
1252.120	Granting Variances

**AUTHORITY:** Implementing the Professional Geologist Licensing Act [225 ILCS 745] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

**SOURCE:** Emergency rule creating Section 1252.10, 1252.40, 1252.50 and 1252.80 adopted at 21 Ill. Reg. 5647, effective April 22, 1997, for a maximum of 150 days; emergency expired September 19, 1997; adopted at 21 Ill. Reg. 13827, effective October 1, 1997; emergency amendment at 22 Ill. Reg. 3597, effective January 28, 1998, for a maximum of 90 days; amended at 22 Ill. Reg. 10593, effective 10/1/98.

Section 1252.10 Application for Licensure Without Examination (Grandfather)

- a) Until July 1, 1998, an applicant meeting all the requirements for licensure under Section 50(a) of the Act and this Part may be issued a license under the grandfather provisions of Section 52 of the Act without taking and passing the examination. An applicant shall file an application, by April 1, 1998, on forms provided by the Department of Professional Regulation (the Department). The application shall include the following:

- 1) Education/Experience
  - A) Official transcripts of a baccalaureate degree in geology, or graduate degree in the field of geology, indicating that the applicant has completed the coursework in accordance with Section 1252.40 of this Part or official transcripts of a 4 year academic degree or higher degree other than in

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geology, indicating that the applicant has completed the coursework in accordance with Section 1252.40 of this Part; and verification of a minimum of 4 years of professional experience as defined in Section 1252.50 of this Part. The experience must be obtained after completion of the education requirements specified in Section 50(a)(3) of the Act and Section 1252.40 of this Part. The Department, upon recommendation of the Board, will accept the cumulative total of professional geological work or geological research of persons who teach as full-time faculty of a college or university, provided such work or research can be demonstrated to be equivalent to the professional requirements set forth in Section 1252.50 of this Part. Research done toward a thesis or dissertation does not apply.

B) The Department may, upon recommendation of the Board of Licensing for Professional Geologists (Board), allow substitution of professional experience as a geologist for prescribed educational requirements. Appropriate experience shall include, but not be limited to a minimum of ten years professional experience (six years additional to that stated in subsection (a)(1)(B) above) may be substituted for 10 semester or 15 quarter hours of geology coursework. At least two of the ten years shall have been under the supervision of a licensed professional geologist or, before July 1, 2000, a licensed professional geologist or engineer; a complete work history since receipt of a bachelor's degree or the most recent 15 years of geology experience since receipt of the bachelor's degree, whichever is less;

3) The required fee set forth in Section 1252.80 of this Part; and  
4) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which he/she predominantly practices and is currently licensed, if applicable, stating:

A) The time during which the applicant was registered in that jurisdiction, including the date of the original issuance of the license; and

B) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

b) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department or the Board because of lack of information, discrepancies or conflicts in information given or a need for clarification, the applicant seeking licensure may be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any

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c) To continue practicing geology after the adoption of rules (October 1, 1997), individuals shall apply for licensure within 180 days after the effective date of the rules (April 1, 1998). If an application is received during the 180 day period, the individual may continue to practice until the Department acts to grant or deny licensure. If an application is not filed by April 1, 1998, the individual must cease the practice of geology on April 1, 1998 and until the Department acts to grant a license to the individual. [225 ILCS 745/25]

(Source: Amended at 22 Ill. Reg. 10598, effective JUN 01 1998)

## Section 1252.50 Experience

a) A minimum of 4 years of professional experience in the practice of geology or directly related work as defined in Section 15 of the Act is required for licensure under Section 50 of the Act.

b) Beginning with persons making application for licensure on or after July 1, 2000, 2 years of professional experience must have been gained under the supervision of an Illinois licensed professional geologist or a geologist licensed in another jurisdiction having substantially equivalent licensure requirements as Illinois.

c) All experience shall have been acquired after completion of education requirements set forth in Section 50(3) of the Act and Section 1252.40 of this Part. An applicant will receive one year of credit for 1500 hours of experience. A minimum of 4 years of professional experience is defined as at least 17000 hours a year for 4 years. No more than one year of credit will be given in a 12-month period.

d) A maximum of one year experience may be credited to applicants possessing a graduate degree in geology.

e) A maximum of one year experience may be credited to full-time faculty members who teach upper level courses in a geology program that meets the criteria in Section 1252.40.

(Source: Amended at 22 Ill. Reg. 10598, effective JUN 01 1998)



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1) Heading of the Part: Illinois Landscape Architecture Act of 1989

2) Code Citation: 68 Ill. Adm. Code 1275

3) Section Numbers: Adopted Action:

1275.10 Repealed  
1275.20 Amendment  
1275.30 Amendment  
1275.40 Amendment  
1275.50 Amendment  
1275.60 Amendment  
1275.70 Amendment

4) Statutory Authority: Illinois Landscape Architecture Act of 1989 [225 ILCS 315].

5) Effective Date of Amendments: June 1, 1998

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: June 1, 1998

9) Date Notice of Proposal Published in Illinois Register: February 6, 1998, at 22 Ill. Reg. 2752.

10) Has JCAR issued a Statement of Objections to these Rules? No

11) Difference(s) between proposal and final version: Several technical changes were made.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect?  
No

14) Are there any Amendments pending on this Part? No

15) Summary and Purpose of Amendments: This rulemaking repeals the outdated grandfather provisions and updates Sections pertaining to approved programs, experience, applications and examinations. Clarifies that the two years required experience is to be completed prior to applying. Prohibits licensees in good standing in Illinois from taking an examination here. Changes the passing score on the examination from 75 to the passing score established by the testing entity.

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16) Information and questions regarding these Adopted Amendments shall be directed to:

Department of Professional Regulation  
Attention: Jean Courtney  
320 West Washington, 3rd Floor  
Springfield, Illinois 62786  
217/785-0813 Fax: 217/782-7645

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF PROFESSIONAL REGULATION

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TITLE 68: PROFESSIONS AND OCCUPATIONS  
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION  
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

## PART 1275

## THE ILLINOIS LANDSCAPE ARCHITECTURE ACT OF 1989

Section	Application for Registration Under Section 11(e) of the Act (Grandfather) (Repealed)
1275.10	Approved Programs
1275.20	Experience
1275.30	Application for Examination
1275.40	Examination
1275.50	Endorsement
1275.60	Renewal
1275.70	Restoration
1275.80	Granting Variances
1275.90	

AUTHORITY: Implementing the Illinois Landscape Architecture Act of 1989 and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Emergency rules adopted at 15 Ill. Reg. 3324, effective February 11, 1991, for a maximum of 150 days; adopted at 15 Ill. Reg. 10091, effective June 24, 1991; amended at 16 Ill. Reg. 10458, effective June 22, 1992; amended at 22 Ill. Reg. 10597, effective JUN 01 1998.

Section 1275.10 Application for Registration Under Section 11(e) of the Act  
 (Grandfather) (Repealed)

Those persons seeking registration without examination under Section 11(e) of the Illinois Landscape Architecture Act of 1989 (P.A. 86-932, effective September 17, 1990) (the "Act") shall file an application with the Department on forms provided by the Department of Professional Regulation (the "Department").

- a) Such application shall be postmarked no later than midnight--September 17--1992--and shall include the following:
- 1) Education/Experience

A) Verification on forms provided by the Department of 2 years of full-time actual, practical experience in landscape architecture as defined in subsection (b) below and certification of graduation or an official transcript from a college, school or university offering an accredited program in landscape architecture (for purpose of this Section accredited programs are those--landscape--architecture programs--accredited--by--the--landscape--architecture Accreditation Board;)-or

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B) Verification on forms provided by the Department of at least 7 years of full-time actual, practical experience in landscape architectural work as defined in subsection (b) below. At least 4 of those years shall have been immediately prior to September 17, 1990.

2) Verification of landscape architectural experience signed by the employer or three professional references from peers or citizens familiar with the applicant's work.

3) A complete work history and

4) The required fee set forth in Section 14(a)(1) of the Act;

5) If the applicant has ever been licensed/registered in another state or territory of the United States, he shall also submit a certification on forms provided by the Department from the state or territory of the United States in which he was originally licensed and the state in which the applicant predominantly practices and is currently licensed, or certification by the Council of Landscape Architectural Registration Boards (CLARB), stating:

A) The time during which the applicant was registered in that jurisdiction, including the date of the original issuance of the license;

B) A description of the examination in that jurisdiction;

C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

b) For purposes of this Section, actual, practical experience in landscape architecture is that experience which meets the definition of Landscape Architectural Practice as defined in Section 3(f) of the Act.

c) All experience shall be completed prior to applying for licensure.

d) When the accuracy of any submitted documentation of the relevance or sufficiency of the course work or experience is questioned by the Department or the Illinois Landscape Architect Registration Board (the "Board"), because of discrepancies or conflicts in information, the applicant seeking registration shall be requested in writing to:

- 1) Provide such information as shall be necessary and/or
- 2) Explain such relevance or sufficiency during an oral interview, or

3) Appear for an interview before the Board when the information available to the Board is insufficient to evaluate the individual's qualifications for licensure.

e) Any applicant who sits for an examination for registration as a landscape architect in Illinois shall not be eligible for registration under this Section.

(Source: Repealed at 22 Ill. Reg. 10597, effective JUN 01 1998)

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**Section 1275.20 Approved Programs**

a) The Department of Professional Regulation (the "Department") shall approve a landscape architecture program if it meets the following minimum criteria:

- 1) The institution is legally recognized and authorized by the jurisdiction in which it is located to confer the landscape architecture degree.
- 2) Has a faculty which comprises a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have demonstrated competence as evidenced by appropriate degrees in their area(s) of teaching from professional colleges or institutions.
- 3) Has a designated program director.
- 4) Has an undergraduate first-professional baccalaureate degree which is at least 4 academic years in duration and/or has a graduate first-professional master's degree which is at least 3 academic years in duration.
- 5) Has a designated title and degree description incorporating the term "Landscape Architecture."
- 6) Has a curriculum which shall include, but not be limited to, the following:
  - A) Landscape Architecture History
  - B) Professional Practice
  - C) Landscape Design, Planning and Management
  - D) Design Implementation
- 7) The Department or Board may require additional information in order to evaluate the program.

b) In determining whether a program shall be approved, the Department shall take into consideration, but not be bound by, accreditation or approval by the Landscape Architecture Accreditation Board.

c) The Department has determined that all landscape architecture programs accredited or approved by the Landscape Architecture Accreditation Board as of January 1, 1998 September 17, 1999, meet the minimum criteria set forth in this Section and are, therefore, approved.

(Source: Amended at 22 Ill. Reg. 10597, effective JUN 01 1998)

**Section 1275.30 Experience**

a) Verification, on forms provided by the Department, of 2 years of professional experience in landscape architecture practice as defined in Section 3(f) of the Act.

b) Satisfactory experience in the practice of landscape architecture shall include, but not be limited to:

- 1) Work in a landscape architect's office;
- 2) Teaching landscape architecture in an approved program;

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- 3) Conducting or participating in research in landscape architecture;
- 4) Work in the office of an architect who is authorized to practice in the jurisdiction in which he is located; work in the office of an engineer who is authorized to practice in the jurisdiction in which he is located; work in a government agency.
- c) All experience shall be under the direct supervision of a landscape architect, architect or engineer. Prior to January 17, 1993, an applicant who is self-employed shall submit three professional references from peers or clients familiar with the applicant's work. One year of experience credit is defined as full-time employment for 52 weeks with a minimum of 30 hours per week. An applicant shall not receive experience credit for overtime.
- d) Part-time employment shall be counted as one half week for each 15 hours of employment per week.
- e) Employment with one employer of less than 2 months shall not be counted toward fulfillment of the experience requirement.
- f) Experience credit shall be acquired only after completion of the third year of a landscape architecture program/curriculum provided however, that no experience credit can be acquired if the individual is receiving educational credit for such experience.
- h) At least one year of full-time experience shall be obtained after graduation from an approved program.
- i) A master's degree in landscape architecture from an approved program shall be accepted in lieu of one year of practical experience.
- j) Until January 17, 1993, an applicant shall satisfy one of the following combinations of education and experience:
  - 1) A bachelor's degree in landscape architecture and 2 years of experience; or
  - 2) A bachelor's or master's degree in landscape architecture related field and 4 years of experience; or
  - 3) A master's degree in landscape architecture and 2 years of experience; or
  - 4) An associate degree in landscape architecture and 6 years of experience; or
  - 5) At least 2 years of education in landscape architecture/design as approved by the Board and 6 years of experience.

(Source: Amended at 22 Ill. Reg. 10597, effective JUN 01 1998)

**Section 1275.40 Application for Examination**

- a) An applicant for examination shall file an application, on forms



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supplied by the Department, at least 120 days prior to an examination date. The application shall include:

- 1) Certification of graduation from an approved landscape architecture program as set forth in Section 1275.20 of this Part;
- 2) Two years of experience as defined in Section 1275.30 of this Part completed prior to application with the Department;
- 3) ~~Prior to January 17, 1993, certification of a combination of education and experience required in subsection 1275.30(f) of this Part.~~ 4) A complete work history since graduation; and
- 4) 5) The fees fee required by Section 14(a)(1) and (2) of the Act.
- b) ~~The Department will accept CLARB certification verifying passage of the Landscape Architect Registration Examination (L.A.R.E.).~~
- c) ~~Any applicant who elects to apply for examination and sits for such examination in Illinois shall not be eligible for registration under the grandfather provisions set forth in Section 1275.10 of this Part.~~ d) Any person who is currently registered in good standing in Illinois shall not be admitted to an examination in Illinois. However, in no way shall this limit the Department's ability to require reexamination for restoration or enforcement purposes.

(Source: Amended at JUN 01 1998 22 Ill. Reg. 10597, effective JUN 01 1998)

## Section 1275.50 Examination

- a) The examination for registration as a landscape architect shall be the Landscape Architect Registration Examination (L.A.R.E.) of the Council of Landscape Architectural Registration Boards. (The Uniform National Examination is known as the Landscape Architect Registration Examination.)
- b) The passing score on the examination shall be the passing score established by the testing entity in order to be successful in the examination; an applicant shall receive a score of 75 or greater in each section.
- c) If an applicant fails to pass an examination for registration under the Act within three years after filing the application, the application shall be denied. However, such applicant may thereafter make a new application for examination, accompanied by the required fee, and meet the requirements for registration at the time of application.
- d) The examination for licensure of a landscape architect shall be administered at least once a year.

(Source: Amended at JUN 01 1998 22 Ill. Reg. 10597, effective JUN 01 1998)

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

## Section 1275.60 Endorsement

- a) An applicant for registration as a landscape architect who is registered under the laws of another state or territory of the United States shall file an application with the Department, on forms provided by the Department, which includes:
  - 1) Certification, on forms provided by the Department, of a landscape architecture degree from a program approved by the Department in accordance with Section 1275.20 of this Part; or prior to January 17, 1993, meeting the education/experience requirements set forth in Section 1275.30(f) of this Part;
  - 2) Certification, on forms provided by the Department, of professional experience as set forth in Section 1275.30 of this Part;
  - 3) In lieu of the certifications required in subsections (a)(1) and (a)(2), the Department shall accept certification from the Council of Landscape Architectural Registration Boards;
  - 4) Certification, on forms provided by the Department, from the state or territory of the United States in which the applicant was originally licensed and the state in which the applicant predominantly practices and is currently licensed, stating:
    - A) The time during which the applicant was licensed;
    - B) Whether the file of the applicant contains any record of any disciplinary actions taken or pending; and
    - C) Examination(s) taken and examination score(s) received;
  - 5) A complete work history; and
  - 6) The required fee as set forth in Section 14(a)(3) of the Act.
- b) The Department may require additional information to determine if the requirements in the state or territory were substantially equivalent to the requirements then in effect in Illinois at the time of application to determine whether the requirements of another state or territory together with education and professional experience qualifications of the applicant are substantially equivalent to the requirements in Illinois at the time of application. The Department, upon recommendation of the Board, shall determine substantial equivalency based on, but not limited to, certification from the CLARB; education, training, and experience, including, but not limited to, whether the applicant he has achieved special honors or awards, has had articles published in professional journals, or has written textbooks relating to landscape architecture; and any other attribute which the Director accepts as evidence that such applicant has outstanding and proven ability in landscape architecture. The Department shall either issue a registration by endorsement to the applicant or notify the applicant him in writing of the reasons for the denial of the his application.

(Source: Amended at JUN 01 1998 22 Ill. Reg. 10597, effective JUN 01 1998)

## DEPARTMENT OF PROFESSIONAL REGULATION

## NOTICE OF ADOPTED AMENDMENT(S)

## Section 1275.70 Renewal

- a) ~~Every~~ The--first-renewal-period-for-registration-issued-under-the-Act  
~~shall-be-August-31--1993--Thereafter--every~~ license issued under the  
 Act shall expire on August 31 of odd numbered years. The holder of a  
 registration may renew such registration during the month preceding  
 the expiration date thereof by paying the required fee.
- b) It is the responsibility of each registrant to notify the Department  
 of any change of address. Failure to receive a renewal form from the  
 Department shall not constitute an excuse for failure to pay the  
 renewal fee or to renew one's registration.

(Source: Amended at 22 Ill. Reg. 1059, effective  
01/01/1998)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Adopted Action:  
 140.539 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305  
 ILCS 5/12-13]
- 5) Effective Date of Amendments: June 1, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 1, 1998
- 9) Notice of Proposal Published in Illinois Register:  
 February 20, 1998 (22 Ill. Reg. 3727)
- 10) Has JCARE issued a Statement of Objections to these Adopted Amendments?  
 No
- 11) Differences between proposal and final version: The following changes have  
 been made in the text of the proposed rulemaking during the public  
 comment period.  
 "SUBPART E: GROUP CARE" has been added preceding the Section title.  
 In the second sentence of subsection (a)(5), "three months of" has been  
 changed to "three months after".  
 In the stricken text at the beginning of subsection (b)(5), "6)" was  
 inadvertently omitted from the proposed amendments. It has been returned  
 to the text after "claimed." and stricken.  
 No other changes have been made in the text of the proposed amendments.
- 12) Have all the changes agreed upon by the agency and JCARE been made as  
 indicated in the agreement letter issued by JCARE? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect No
- 14) Are there any amendments pending on this Part? Yes

Sections Proposed Action Illinois Register Citation

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

140.451 Amendment May 1, 1998 (22 Ill. Reg. 7534)

15) Summary and Purpose of Amendments:

The Department's rules concerning nursing assistant and aide training are being revised to require verification of successful course completion and, in the case of nursing assistants, passage of the competency evaluation for authorization of reimbursement for training and evaluation administration. The amendments require such verification either through the Department of Public Health Nurse Aide Registry or through documentation submitted by the long term care facility as proof of an individual's successful completion of a training course or competency evaluation.

When an individual's name does not appear on the Registry within three months after the Department's receipt of the facility's reimbursement request, the Department can request documentation from the facility showing proof of the individual's status relative to training and competency. These latter provisions are necessary because some individuals successfully complete the training or competency evaluation, but after deciding against employment in that field, their names are not submitted for entry on the Nurse Aide Registry. In these cases, the facility is still entitled to reimbursement for individuals who successfully complete training or pass a competency evaluation.

These amendments also specify circumstances under which a facility may not charge an individual for costs associated with training courses or the administration of competency evaluations. The changes reflect clarifications that were recently distributed by the Department of Public Health.

16) Information and questions regarding these Adopted Amendments shall be directed to:

Joanne Jones  
Bureau of Rules and Regulations  
Illinois Department of Public Aid  
201 South Grand Avenue East, Third Floor  
Springfield, Illinois 62763  
(217) 524-0081

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

TITLE 89: SOCIAL SERVICES  
CHAPTER I: DEPARTMENT OF PUBLIC AID  
SUBCHAPTER d: MEDICAL PROGRAMS

## PART 140

## MEDICAL PAYMENT

## SUBPART A: GENERAL PROVISIONS

## Section

140.1 Incorporation By Reference

140.2 Medical Assistance Programs

140.3 Covered Medical Services Under Medical Assistance Programs

140.4 Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)

140.5 Covered Medical Services Under General Assistance

140.6 Medical Assistance Provided to Individuals Under the Age of Eighteen

140.7 Who Do Not Qualify for AFDC and Children Under Age Eight

140.8 Medical Assistance For Qualified Severely Impaired Individuals

140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy

140.10 Medical Assistance Provided to Incarcerated Persons

## SUBPART B: MEDICAL PROVIDER PARTICIPATION

## Section

140.11 Enrollment Conditions for Medical Providers

140.12 Participation Requirements for Medical Providers

140.13 Definitions

140.14 Denial of Application to Participate in the Medical Assistance Program

140.15 Recovery of Money

140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program

140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program

140.18 Effect of Termination on Individuals Associated with Vendor

140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring

140.20 Submittal of Claims

140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)

140.22 Magnetic Tape Billings

140.23 Payment of Claims

140.24 Payment Procedures

140.25 Overpayment or Underpayment of Claims

140.26 Payment to Factors Prohibited



DEPARTMENT OF PUBLIC AID  
NOTICE OF ADOPTED AMENDMENT

140.27	Assignment of Vendor Payments	140.361	Non-Participating Hospitals (Recodified)
140.28	Record Requirements for Medical Providers	140.362	Pre July 1, 1989 Services (Recodified)
140.30	Audits	140.363	Post June 30, 1989 Services (Recodified)
140.31	Emergency Services Audits	140.364	Prepayment Review (Recodified)
140.32	Prohibition on Participation, and Special Permission for Participation	140.365	Base Year Costs (Recodified)
140.33	Publication of List of Terminated, Suspended or Barred Entities	140.366	Restructuring Adjustment (Recodified)
140.35	False Reporting and Other Fraudulent Activities	140.367	Inflation Adjustment (Recodified)
140.40	Prior Approval for Medical Services or Items	140.368	Volume Adjustment (Repealed)
140.41	Prior Approval in Cases of Emergency	140.369	Groupings (Recodified)
140.42	Limitation on Prior Approval	140.370	Rate Calculation (Recodified)
140.43	Post Approval for items or Services When Prior Approval Cannot Be Obtained	140.371	Payment (Recodified)
140.55	Recipient Eligibility Verification (REV) System	140.372	Review Procedure (Recodified)
140.71	Reimbursement for Medical Services Through the Use of a C-13 Invoice	140.373	Utilization (Repealed)
140.72	Voucher Advance Payment and Expedited Payments	140.374	Alternatives (Recodified)
140.73	Drug Manual (Recodified)	140.375	Exemptions (Recodified)
	Drug Manual Updates (Recodified)	140.376	Utilization, Case-Mix and Discretionary Funds (Repealed)
		140.390	Subacute Alcoholism and Substance Abuse Services (Recodified)
		140.391	Definitions (Recodified)
		140.392	Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
		140.394	Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
		140.396	Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
		140.398	Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section	Payment to Practitioners, Nurses and Laboratories
140.400	Physicians' Services
140.410	Covered Services By Physicians
140.411	Services Not Covered By Physicians
140.412	Limitation on Physician Services
140.413	Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians
140.414	Optometric Services and Materials
140.416	Limitations on Optometric Services
140.417	Department of Corrections Laboratory
140.418	Dental Services
140.420	Limitations on Dental Services
140.421	Requirements for Prescriptions and Dispensing Items - Dentists
140.422	Podiatry Services
140.425	Limitations on Podiatry Services
140.426	Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
140.427	Chiropractic Services
140.428	

SUBPART C: PROVIDER ASSESSMENTS

Section	Hospital Provider Fund
140.80	Developmentally Disabled Care Provider Fund
140.82	Long Term Care Provider Fund
140.84	Medicaid Developmentally Disabled Provider Participation Fee Trust
140.94	Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
140.95	Hospital Services Trust Fund
140.96	General Requirements (Recodified)
140.97	Special Requirements (Recodified)
140.98	Covered Hospital Services (Recodified)
140.99	Hospital Services Not Covered (Recodified)
140.100	Limitation On Hospital Services (Recodified)
140.101	Transplants (Recodified)
140.102	Heart Transplants (Recodified)
140.103	Liver Transplants (Recodified)
140.104	Bone Marrow Transplants (Recodified)
140.110	Disproportionate Share Hospital Adjustments (Recodified)
140.116	Payment for Inpatient Services for GA (Recodified)
140.117	Hospital Outpatient and Clinic Services (Recodified)
140.200	Payment for Hospital Services During Fiscal Year 1982 (Recodified)
140.201	Payment for Hospital Services After June 30, 1982 (Repealed)
140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203	Limits on Length of Stay by Diagnosis (Recodified)
140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350	Copayments (Recodified)
140.360	Payment Methodology (Recodified)

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

140.429	Limitations on Chiropractic Services (Repealed)
140.430	Independent Laboratory Services
140.431	Services Not Covered by Independent Laboratory
140.432	Limitations on Independent Laboratory Services
140.433	Payment for Laboratory Services
140.434	Record Requirements for Independent Laboratories
140.435	Nurse Services
140.436	Limitations on Nurse Services
140.440	Pharmacy Services
140.441	Pharmacy Services Not Covered
140.442	Prior Approval of Prescriptions
140.443	Filling of Prescriptions
140.444	Compounded Prescriptions
140.445	Legend Prescription Items (Not Compounded)
140.446	Over-the-Counter Items
140.447	Reimbursement
140.448	Returned Pharmacy Items
140.449	Payment of Pharmacy Items
140.450	Record Requirements for Pharmacies
140.452	Mental Health Clinic Services
140.453	Definitions
140.454	Types of Mental Health Clinic Services
140.455	Payment for Mental Health Clinic Services
140.456	Hearings
140.457	Therapy Services
140.458	Prior Approval for Therapy Services
140.459	Payment for Therapy Services
140.460	Clinic Services
140.461	Clinic Participation, Data and Certification Requirements
140.462	Covered Services in Clinics
140.463	Clinic Service Payment
140.464	Healthy Moms/Healthy Kids Managed Care Clinics (Repealed)
140.465	Speech and Hearing Clinics (Repealed)
140.466	Rural Health Clinics
140.467	Independent Clinics
140.469	Hospice
140.470	Home Health Services
140.471	Home Health Covered Services
140.472	Types of Home Health Services
140.473	Prior Approval for Home Health Services
140.474	Payment for Home Health Services
140.475	Medical Equipment, Supplies and Prosthetic Devices
140.476	Medical Equipment, Supplies and Prosthetic Devices for Which Payment Will Not Be Made
140.477	Limitations on Equipment, Supplies and Prosthetic Devices
140.478	Prior Approval for Medical Equipment, Supplies and Prosthetic Devices
140.479	Limitations, Medical Supplies
140.480	Equipment Rental Limitations

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

140.481	Payment for Medical Equipment, Supplies and Prosthetic Devices
140.482	Family Planning Services
140.483	Limitations on Family Planning Services
140.484	Payment for Family Planning Services
140.485	Healthy Kids Program
140.486	Limitations on Medichex Services (Repealed)
140.487	Healthy Kids Program Timeliness Standards
140.488	Periodicity Schedule, Immunizations and Diagnostic Laboratory Procedures
140.490	Medical Transportation
140.491	Limitations on Medical Transportation
140.492	Payment for Medical Transportation
140.493	Payment for Helicopter Transportation
140.495	Psychological Services
140.496	Payment for Psychological Services
140.497	Hearing Aids
Section	
140.500	Long Term Care Services
140.502	Cessation of Payment at Federal Direction
140.503	Cessation of Payment for Improper Level of Care
140.504	Cessation of Payment Because of Termination of Facility
140.505	Continuation of Payment Because of Threat To Life (Repealed)
140.506	Provider Voluntary Withdrawal
140.507	Continuation of Provider Agreement
140.510	Determination of Need for Group Care
140.511	Long Term Care Services Covered by Department Payment
140.512	Utilization Control
140.513	Utilization Review Plan (Repealed)
140.514	Certifications and Recertifications of Care
140.515	Management of Recipient Funds--Personal Allowance Funds
140.516	Recipient Management of Funds
140.517	Correspondent Management of Funds
140.518	Facility Management of Funds
140.519	Use or Accumulation of Funds
140.520	Management of Recipient Funds--Local Office Responsibility
140.521	Room and Board Accounts
140.522	Reconciliation of Recipient Funds
140.523	Bed Reserves
140.524	Cessation of Payment Due to Loss of License
140.525	Quality Incentive Program (QUIP) Payment Levels
140.526	Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP) (Repealed)
140.527	Quality Incentive Survey (Repealed)
140.528	Payment of Quality Incentive (Repealed)
140.529	Reviews (Repealed)

## SUBPART E: GROUP CARE

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

140.530	Basis of Payment for Long Term Care Services
140.531	General Service Costs
140.532	Health Care Costs
140.533	General Administration Costs
140.534	Ownership Costs
140.535	Costs for Interest, Taxes and Rent
140.536	Organization and Pre-Operating Costs
140.537	Payments to Related Organizations
140.538	Special Costs
140.539	Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Habilitation Aide Training and Nursing Assistant Competency Evaluation
140.540	Costs Associated With Nursing Home Care Reform Act and Implementing Regulations
140.541	Salaries Paid to Owners or Related Parties
140.542	Cost Reports-Filing Requirements
140.543	Time Standards for Filing Cost Reports
140.544	Access to Cost Reports (Repealed)
140.545	Penalty for Failure to File Cost Reports
140.550	Update of Operating Costs
140.551	General Service Costs
140.552	Nursing and Program Costs
140.553	General Administrative Costs
140.554	Component Inflation Index
140.555	Minimum Wage
140.560	Components of the Base Rate Determination
140.561	Support Costs Components
140.562	Nursing Costs
140.563	Capital Costs
140.565	Kosher Kitchen Reimbursement
140.566	Out-of-State Placement
140.567	Level II Incentive Payments (Repealed)
140.568	Duration of Incentive Payments (Repealed)
140.569	Clients With Exceptional Care Needs
140.570	Capital Rate Component Determination
140.571	Capital Rate Calculation
140.572	Total Capital Rate
140.573	Other Capital Provisions
140.574	Capital Rates for Rented Facilities
140.575	Newly Constructed Facilities (Repealed)
140.576	Renovations (Repealed)
140.577	Capital Costs for Rented Facilities (Renumbered)
140.578	Property Taxes
140.579	Specialized Living Centers
140.580	Mandated Capital Improvements (Repealed)
140.581	Qualifying as Mandated Capital Improvement (Repealed)
140.582	Cost Adjustments
140.583	Campus Facilities

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

140.584	Illinois Municipal Retirement Fund (IMRF)
140.590	Audit and Record Requirements
140.642	Screening Assessment for Nursing Facility and Alternative Residential Settings and Services
140.643	In-Home Care Program
140.645	Home and Community Based Services Waivers for Medically Fragile, Technology Dependent, Disabled Persons Under Age 21
140.646	Reimbursement for Developmental Training (DT) Services for Individuals with Developmental Disabilities Who Reside in Long Term Care (ICF AND SNF) and Residential (ICF/MR) Facilities
140.647	Description of Developmental Training (DT) Services
140.648	Determination of the Amount of Reimbursement for Developmental Training (DT) Programs
140.649	Effective Dates of Reimbursement for Developmental Training (DT) Programs
140.650	Certification of Developmental Training (DT) Programs
140.651	Decertification of Day Programs
140.652	Terms of Assurances and Contracts
140.680	Effective Date Of Payment Rate
140.700	Discharge of Long Term Care Residents
140.830	Appeals of Rate Determinations
140.835	Determination of Cap on Payments for Long Term Care (Repealed)

## SUBPART F: MEDICAID PARTNERSHIP PROGRAM

Section	General Description (Repealed)
140.850	Definition of Terms (Repealed)
140.855	Covered Services (Repealed)
140.860	Sponsor Qualifications (Repealed)
140.865	Sponsor Responsibilities (Repealed)
140.870	Department Responsibilities (Repealed)
140.875	Provider Qualifications (Repealed)
140.880	Provider Responsibilities (Repealed)
140.885	Payment Methodology (Repealed)
140.890	Contract Monitoring (Repealed)
140.895	Reimbursement For Program Costs (Active Treatment) For Clients In Long Term Care Facilities For the Developmentally Disabled (Recodified)
140.896	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities (Recodified)
140.900	Functional Areas of Needs (Recodified)
140.901	Service Needs (Recodified)
140.902	Definitions (Recodified)
140.903	Times and Staff Levels (Repealed)
140.904	Statewide Rates (Repealed)
140.905	Reconsiderations (Recodified)
140.906	Midnight Census Report (Recodified)
140.907	



## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

140.908 Times and Staff Levels (Recodified)  
 140.909 Statewide Rates (Recodified)  
 140.910 Referrals (Recodified)  
 140.911 Basic Rehabilitation Aide Training Program (Recodified)  
 140.912 Interim Nursing Rates (Recodified)

## SUBPART G: MATERNAL AND CHILD HEALTH PROGRAM

Section  
 140.920 General Description  
 140.922 Covered Services  
 140.924 Maternal and Child Health Provider Participation Requirements  
 140.926 Client Eligibility (Repealed)  
 140.928 Client Enrollment and Program Components (Repealed)  
 140.930 Reimbursement  
 140.932 Payment Authorization for Referrals (Repealed)

## SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT EQUITY (ICARE) PROGRAM

Section  
 140.940 Illinois Competitive Access and Reimbursement Equity (ICARE) Program (Recodified)  
 140.942 Definition of Terms (Recodified)  
 140.944 Notification of Negotiations (Recodified)  
 140.946 Hospital Participation in ICARE Program Negotiations (Recodified)  
 140.948 Negotiation Procedures (Recodified)  
 140.950 Factors Considered in Awarding ICARE Contracts (Recodified)  
 140.952 Closing an ICARE Area (Recodified)  
 140.954 Administrative Review (Recodified)  
 140.956 Payments to Contracting Hospitals (Recodified)  
 140.958 Admitting and Clinical Privileges (Recodified)  
 140.960 Inpatient Hospital Care or Services by Non-Contracting Hospitals Eligible for Payment (Recodified)  
 140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)  
 140.964 Contract Monitoring (Recodified)  
 140.966 Transfer of Recipients (Recodified)  
 140.968 Validity of Contracts (Recodified)  
 140.970 Termination of ICARE Contracts (Recodified)  
 140.972 Hospital Services Procurement Advisory Board (Recodified)

TABLE A Medichek Recommended Screening Procedures (Repealed)  
 TABLE B Geographic Areas  
 TABLE C Capital Cost Areas  
 TABLE D Schedule of Dental Procedures  
 TABLE E Time Limits for Processing of Prior Approval Requests  
 TABLE F Podiatry Service Schedule

## DEPARTMENT OF PUBLIC AID

## NOTICE OF ADOPTED AMENDMENT

TABLE G Travel Distance Standards  
 TABLE H Areas of Major Life Activity  
 TABLE I Staff Time and Allocation for Training Programs (Recodified)  
 TABLE J HSA Grouping (Repealed)  
 TABLE K Services Qualifying for 10% Add-On (Repealed)  
 TABLE L Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)  
 TABLE M Enhanced Rates for Maternal and Child Health Provider Services

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective June 1, 1984; maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill.

DEPARTMENT OF PUBLIC AID  
NOTICE OF ADOPTED AMENDMENT

DEPARTMENT OF PUBLIC AID  
NOTICE OF ADOPTED AMENDMENT

at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7249, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990;

Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4307; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9169, effective April 28, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9187, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.912 and 140.912 Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.205 and 147.205 Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended



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amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment

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repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13019, effective September 5, 1995; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. 4345, effective March 4, 1996; amended at 20 Ill. 5858, effective April 5, 1996; amended at 20 Ill. Reg. 6929, effective May 6, 1996; amended at 20 Ill. Reg. 7922, effective May 31, 1996; amended at 20 Ill. Reg. 9081, effective June 28, 1996; emergency amendment at 20 Ill. Reg. 9312, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 11332, effective August 1, 1996; amended at 20 Ill. Reg. 14845, effective October 31, 1996; emergency amendment at 21 Ill. Reg. 705, effective December 31, 1996, for a maximum of 150 days; emergency amendment at 21 Ill. Reg. 3734, effective March 5, 1997, for a maximum of 150 days; amended at 21 Ill. Reg. 4777, effective April 2, 1997; amended at 21 Ill. Reg. 6899, effective May 23, 1997; amended at 21 Ill. Reg. 9763, effective July 15, 1997; amended at 21 Ill. Reg. 11569, effective August 1, 1997; emergency amendment at 21 Ill. Reg. 13857, effective October 1, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 1416, effective December 29, 1997; amended at 22 Ill. Reg. 4412, effective February 27, 1998; amended at 22 Ill. Reg. 7024, effective April 1, 1998; amended at 22 Ill. Reg. ~~10606~~ **10608**, effective ~~June 1, 1998~~ **June 1, 1998**.

## SUBPART E: GROUP CARE

**Section 140.539 Reimbursement for Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide and Rehabilitation Aide Training and Nursing Assistant Competency Evaluation**

- a) Training Reimbursement
- 1) Long term care facilities shall be reimbursed for the reasonable



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- of each approved competency evaluation successfully completed with a passing grade.
- 2) Payment will not be made under this Section for costs incurred in administering tests not approved by the Department of Public Health, or for any additional tests administered by the facility during or subsequent to basic nursing assistant training.
  - 3) Payment will be made for all competency evaluations successfully completed with a passing grade after October 1, 1989.
  - 4) The maximum reimbursable cost per competency evaluation successfully completed with a passing grade is the current fee charged by the Department of Public Health approved evaluation service. The Department will reimburse on a pro rata basis according to the percentage of Medicaid residents in the facility at the time the request for reimbursement is submitted to the Department. The Department will not pay any other costs associated with the evaluation process.
  - 5) ~~Written proof of individual evaluation results must be submitted by the facility for each competency test for which reimbursement is claimed.~~ No payment will be made for any competency evaluation in which a failing grade is received for any part of the evaluation. An individual must pass both the demonstration of manual skills and written components of the evaluation before reimbursement may be claimed.
  - 6) Passage of the competency evaluation for each individual for whom reimbursement is being requested shall be verified through the Department of Public Health Nurse Aide Registry. In the event that an individual's name does not appear on the Registry, the Department reserves the right to request documentation of such passage before authorizing payment. Competency evaluations do not apply to Basic Child Care Aides, Habilitation Aides or Developmental Disabilities Aides.
  - 7) Facilities shall receive an additional factor of five percent of the total claim to recognize costs for those who do not successfully pass the evaluation.
  - 8) No individual who is employed by, or who has received an offer of employment from, a facility on the date on which the individual begins a basic nursing assistant competency evaluation program may be charged for any costs associated with competency evaluation. This provision applies whether or not the facility requests Medicaid reimbursement for the competency evaluation. The individual fails the competency evaluation or the individual subsequently leaves employment portion of the program--(including any fees for textbooks or other required course materials).

(Source: Amended at 22 Ill. Reg. 10606, effective JUN 01 1988)

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- costs of assistant and aide assistant/aid training. Upon the individual's successful completion of a course which has been approved by the Department of Public Health (77 Ill. Adm. Code 395.110), the facility may claim reimbursement for the following costs, provided that they are actually incurred:
- A) tuition, up to the prevailing community college rate in the health service area for a six credit hour course;
  - B) instructional materials, up to \$25.00; and
  - C) salary and fringe benefits (fringe benefits are payroll taxes, unemployment insurance, worker's compensation, health insurance and meals if provided) up to the prevailing entry level for the health service area.
- 2) The Department will reimburse for actual approved hours up to 130 hours.
- 3) Facilities shall also receive an additional factor of five percent of the total claim to recognize costs for those who do not successfully complete the course.
- 4) The Department shall reimburse on a pro rata basis according to the percentage of Medicaid residents in the facility at the time the request for reimbursement is submitted to the Department.
- 5) Successful completion of a course by each individual for whom reimbursement is being requested shall be verified through the Department of Public Health Nurse Aide Registry. In the event that an individual's name does not appear on the Registry within three months after the Department's receipt of the reimbursement request, the Department reserves the right to request documentation that shows proof of:
- A) submittal of the individual's name for entry on the Nurse Aide Registry (for example, a copy of the notification to the Department of Public Health), if applicable, and
  - B) successful completion of the course by the individual (for example, an instructor signed attendance form or other instructor certification).
- 6) No individual who is employed by, or who has received an offer of employment from, a facility on the date on which the individual begins a Basic Nursing Assistant, Developmental Disabilities Aide, Basic Child Care Aide or Habilitation Care/Habilitation Aide training program may be charged for any portion of the program (including any fees for textbooks or other required course materials). This provision applies whether or not the facility requests Medicaid reimbursement for the training, the individual fails the competency exam or the individual subsequently leaves employment.
- b) Basic Nursing Assistant Competency Evaluation
- 1) Nursing facilities shall be reimbursed for the reasonable costs for basic nursing assistant competency evaluations. Only evaluations approved by the Department of Public Health are reimbursable. The facility may claim reimbursement for the cost

DEPARTMENT OF PUBLIC HEALTH  
NOTICE OF ADOPTED REPEALER

- 1) Heading of the Part: Hospice Programs
- 2) Code Citation: 77 Ill. Adm. Code 280
- 3) Section Numbers:  
280.101 Repeal  
280.201 Repeal  
280.202 Repeal  
280.203 Repeal  
280.204 Repeal  
280.205 Repeal  
280.206 Repeal  
280.207 Repeal  
280.301 Repeal  
280.302 Repeal  
280.303 Repeal  
280.401 Repeal  
280.402 Repeal  
280.403 Repeal  
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280.405 Repeal  
280.406 Repeal  
280.407 Repeal  
280.501 Repeal  
280.502 Repeal  
280.503 Repeal  
280.601 Repeal  
280.602 Repeal  
280.603 Repeal  
280.604 Repeal  
280.605 Repeal  
280.701 Repeal  
280.801 Repeal  
280.802 Repeal  
280.901 Repeal
- 4) Statutory Authority: Hospice Programs Licensing Act [210 ILCS 60]
- 5) Effective Date of Repealer: June 1, 1998
- 6) Does this Rulemaking Contain an Automatic Repeal Date? No
- 7) Does this Rulemaking Contain any Incorporation by Reference? No
- 8) Date Filed in Agency's Principal Office: June 1, 1998
- 9) Date Notice of Proposed Rulemaking was Published in the Illinois Register:  
August 15, 1997; 21 Ill. Reg. 11433

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- 10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking? No
- 11) Difference Between Proposal and Final Version: There are no differences between the proposal and final version.
- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee? The Department has made all changes to which it agreed with the Joint Committee.
- 13) Will the Rulemaking Replace an Emergency Rule Currently in Effect? No
- 14) Are there any other Amendments Pending on this Part? No
- 15) Summary and Purpose of Rulemaking: These rules are being repealed because the Department is adopting new rules governing hospice programs, which are adopted in this issue of the *Illinois Register*.

Information and Questions Regarding this Adopted Repealer shall be directed to:

Gail M. DeVito  
Administrative Rules Coordinator  
Division of Legal Services  
535 West Jefferson, Fifth Floor  
Springfield, Illinois 62761  
217/782-2043  
(rules@idph.state.il.us).

DEPARTMENT OF PUBLIC HEALTH  
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1. In Section 280.1000, revise "Patient's Representative" as follows: "an individual who has been authorized under State law to terminate medical care or to elect or revoke the election of hospice care on behalf of a terminally ill individual who is mentally or physically incapacitated. This may include a legal guardian."
2. Add the following sentence in Section 280.1000 ("Social Worker"): "An exception to the one-year experience requirements may be allowed upon approval by the Department of Public Health."
3. Revise Section 280.1020(a) as follows:
  - a) The Department shall issue a hospice license only to a licensed home health agency, hospital, nursing home (long-term care facility) or not-for-profit agency. (Section 4 of the Act)
4. In Section 280.1020(f)(3) change "shall" to "may".
5. In Section 280.2010(c)(5) delete "and family".
6. Insert the following as new Section 280.2040(h) and re-letter the remaining subsections:
  - h) The hospice shall retain professional and supervisory responsibility for all services provided under arrangements and shall ensure that all services are:
    - 1) Authorized by the hospice;
    - 2) Furnished in a safe and effective manner by qualified personnel; and
    - 3) Delivered in accordance with the patient's plan of care.
7. In Section 280.2080(c)(2), add "and/or significant others" after "family".
8. In Section 280.2080(c)(2), add "on an ongoing basis but" after "plan".
9. In Section 280.2080(d)(1), add "and volunteer" after "full".
10. In Section 280.2080(d)(1), delete "identify...treatment plan" and add "evaluate the ability of the patient to be cared for in his/her place of residence."
11. In Section 280.3000(d)(1), delete "and"/; insert ", or family members of former hospice patients," after "representatives".

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- 1) Heading of the Part: Hospice Programs
- 2) Code Citation: 77 Ill. Adm. Code 280
- 3) 

<u>Section Numbers:</u>	<u>Adopted Action:</u>
280.1000	New Section
280.1010	New Section
280.1020	New Section
280.1030	New Section
280.1040	New Section
280.1050	New Section
280.1060	New Section
280.2000	New Section
280.2010	New Section
280.2020	New Section
280.2030	New Section
280.2040	New Section
280.2045	New Section
280.2050	New Section
280.2060	New Section
280.2070	New Section
280.2080	New Section
280.2090	New Section
280.3000	New Section
280.4000	New Section
280.4010	New Section
280.4020	New Section
280.4030	New Section
280.4040	New Section
- 4) Statutory Authority: Hospice Programs Licensing Act (210 ILCS 60)
- 5) Effective Date of Rules: June 1, 1998
- 6) Does this Rulemaking Contain an Automatic Repeal Date? No
- 7) Does this Rulemaking Contain any Incorporation by Reference? Yes
- 8) Date Filed in Agency's Principal Office: June 1, 1998
- 9) Date Notice of Proposed Rulemaking was Published in the Illinois Register: August 15, 1997; 21 Ill. Reg. 11453
- 10) 

<u>Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking:</u>	No
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- 11) Difference Between Proposal and Final Version:



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12. In Section 280.4010(e)(1), delete "a municipality" and insert "counties".
13. In Section 280.4010(e)(1), change "3,000,000" to "700,000".
14. In Section 280.4010(e)(2), change "500,000" to "200,000"; delete "more but,"; change "3,000,000" to "700,000".
15. In Section 280.4010(e)(3), change "500,000" to "200,000".
16. In Section 280.4010(c), change "\$1500" to "\$500".
17. In Section 280.4020(a), change "palliative" to "hospice".
18. In Section 280.1020(g), add the following:

The following changes need not be reported: number of volunteers and total hours; sources of income for the fiscal year; hospice census report numbers; staff changes for other than program supervisors."

19. In Section 280.4010(b)(2), add the following at the beginning and change "The" to "the": "For leased buildings, the name, address, and telephone number."

20. In Section 280.1000 ("Social Worker"), after "Health." add "The Department's decision to grant an exception will be based on, but not be limited to, the hospice's efforts to employ a social worker who meets this requirement..."

21. In Section 280.1020(f)(3), after "survey." add "The Department's decision to conduct a survey will be based on, but not be limited to, compliance history, changes in key personnel, complaints and the length of time since the last survey."

22. In Section 2080.1020(i), delete "transferable or".

23. In Section 280.4010(a), delete "shall not exceed six"; delete "before December 31, 1996 and" and "before December"; delete "31,1997" and add "(c)" after "(c)".

24. In Section 280.4030(a) change "agency" to "hospice".

In addition, various typographical, grammatical and form changes were made in response to comments from the Joint Committee on Administrative Rules.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee? All changes agreed upon by the Department and the Joint

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Committee been made as indicated in the agreement letter issued by the Joint Committee.

- 13) Will the Rulemaking Replace an Emergency Rule Currently in Effect? No
- 14) Are there any other Amendments Pending on this Part? No
- 15) Summary and Purpose of Rules: These rules will replace the Department's existing rules in this Part, which the Department is repealing in this issue of the *Illinois Register*. Public Act 89-278 mandated the development of a regulatory program for hospice residences, necessitating clarification of the Department's rules to distinguish between this new program and traditional hospice services. The law defines "hospice residence" as "a home, apartment building or similar building providing living quarters: (1) that is owned or operated by a person licensed to operate as a full hospice; and (2) at which hospice services are provided to facility residents." The rules include licensure requirements; hospice services to be provided by the facility, such as personnel policies, patient rights provisions, physician services, development and implementation of hospice service plans, clinical records requirements, and provisions for quality assurance and utilization review; admission, discharge and case management requirements and other provisions for inpatient care, including nursing care and assistance with activities of daily living.

- 16) Information and Questions Regarding these Adopted Rules shall be directed to:

Gail M. DeVito  
Administrative Rules Coordinator  
Division of Legal Services  
535 West Jefferson  
Fifth Floor  
Springfield, Illinois 62761  
(217) 782-2043  
E-mail: (rules@dph.state.il.us).

The full text of the Adopted Rules begins on the next page:

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amendment at 3 Ill. Reg. 38, p. 314, effective September 7, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 40, p. 153, effective October 6, 1979; emergency amendment at 4 Ill. Reg. 18, p. 129, effective April 21, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 40, p. 56, effective September 23, 1980; emergency amendment at 6 Ill. Reg. 5855, effective April 28, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11006, effective August 30, 1982; amended at 7 Ill. Reg. 13665, effective October 4, 1983; codified at 8 Ill. Reg. 16829; amended at 9 Ill. Reg. 4836, effective April 1, 1985; amended at 14 Ill. Reg. 2382, effective February 15, 1990; amended at 15 Ill. Reg. 5376, effective May 1, 1991; amended at 18 Ill. Reg. 2414, effective January 22, 1994; emergency amendments at 20 Ill. Reg. 467, effective January 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 10003, effective July 15, 1996; Part repealed and new Part adopted at 22 Ill. Reg. 10003, effective July 15, 1996.

JUL 01 1996

SUBPART A: LICENSURE

Section 280.1000 Definitions

Act - the Hospice Program Licensing Act [210 ILCS 60].

*Bereavement* - the period of time during which the hospice patient's family experiences and adjusts to the death of the hospice patient. (Section 3(a) of the Act)

*Counselor* - a person who has earned at a minimum a bachelor's degree in counseling, psychology, or social work from an accredited college or university and who has one year of counseling experience in a health care setting; or a religious professional (clergy, religious or theological training in pastoral counseling and supervised counseling experience in a health care or clinical setting. The total of academic and supervised work experience must equal at least five years. Any person employed as a "counselor" in an Illinois Licensed Hospice Program prior to September 1, 1985 may continue to serve in that capacity at that agency only, even though he or she may not meet the qualifications for "counselor" as set forth in this Part.

*Department* - the Illinois Department of Public Health. (Section 3(b) of the Act)

*Director* - the Director of the Illinois Department of Public Health or designee. (Section 3(c) of the Act)

*Full Hospice* - a coordinated program of home and inpatient care providing directly, or through agreement, palliative and supportive medical, health and other services to terminally ill patients and their families. (Section 3(d) of the Act) In this Part, the use of

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TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER b: HOSPITAL AND AMBULATORY CARE FACILITIES

PART 280

HOSPICE PROGRAMS

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AUTHORITY: Implementing and authorized by the Hospice Program Licensing Act [210 ILCS 60].

SOURCE: Adopted at 2 Ill. Reg. 31, p. 77, effective August 2, 1978; emergency

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the phrase "full hospice" applies only to full hospice programs. The use of "volunteer hospice" applies only to volunteer hospice programs. The use of "hospice" or "hospice programs" applies to both full hospice programs and volunteer hospice programs.

Geographic Service Areas - the counties, cities, census tract, etc., that the hospice identifies in the license application as required in Section 280.1020(b)(11) of this Part.

Governing Body - the policy-making authority, whether an individual or a group, that exercises general direction over the affairs of a hospice program and establishes policies concerning its operation and the welfare of the individuals it serves.

Home Health Agency - an agency licensed under the Home Health Licensing Act [210 ILCS 55].

Hospice Aide - a person who provides assistance with meals, dressing, movement, bathing or other personal needs or maintenance. Hospice aides must meet the requirements for Home Health Aides in 77 Ill. Adm. Code 245.70 and 245.72 or Nursing Assistants in 77 Ill. Adm. Code 300.660 and 300.661.

Hospice Care Team - an interdisciplinary working unit composed of but not limited to a physician, a nurse, a social worker, a pastoral or other counselor, and trained volunteers. (Section 3(e) of the Act)

Hospice Patient - a terminally ill person receiving hospice services. (Section 3(f) of the Act)

Hospice Patient's Family - a hospice patient's immediate family consisting of a spouse, sibling, child, parent, significant other and those individuals designated as such by the patient for the purposes of the Act. (Section 3(g) of the Act)

Hospice Residence - a home, apartment building, or similar building providing living quarters:

that is owned or operated by a person licensed to operate as a full hospice; and

at which hospice services are provided to facility residents.

A building that is licensed under the Hospital Licensing Act or the Nursing Home Care Act is not a hospice residence. (Section 3(g-1) of the Act)

Hospice Service Plan - a plan detailing the specific hospice services

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offered by a full or volunteer hospice, and the administrative and direct care personnel responsible for those services. The plan shall include but not be limited to those items specified in Section 280.2000 of this Part. (Section 3(j) of the Act)

Hospice Services - palliative and supportive care provided to a hospice patient and his or her family to meet the special need arising out of the physical, emotional, spiritual and social stresses which are experienced during the final stages of illness and during dying and bereavement. (Section 3(h) of the Act)

Hospital - a location licensed under the Hospital Licensing Act [210 ILCS 85].

Long-Term Care Facility - a location licensed under the Nursing Home Care Act [210 ILCS 45].

Not-for-Profit Agency - any hospice program that is operated: by a not-for-profit corporation incorporated under, or qualified as a foreign corporation under the General Not For Profit Corporation Act of 1986 [805 ILCS 105]; or, by a county pursuant to Division 5-22 of the Counties Code [55 ILCS 5]; or, pursuant to a trust or endowment established for nonprofit, charitable purposes.

Nurse - a registered nurse or a licensed practical nurse as defined in the Illinois Nursing Act of 1987 [225 ILCS 65].

Palliative Care - treatment to provide for the reduction or abatement of pain and other troubling symptoms, rather than treatment aimed at investigation and intervention for the purpose of cure or inappropriate prolongation of life. (Section 3(i) of the Act)

Patient's Representative - an individual who has been authorized under the Health Care Surrogate Act [755 ILCS 40] to terminate medical care or to elect or revoke the election of hospice care on behalf of a terminally ill individual who is mentally or physically incapacitated. This may include a legal guardian.

Physician - any person licensed to practice medicine in all its branches as provided in the Medical Practice Act of 1987 [225 ILCS 60].

Research or Experimental Programs - use of patients receiving services in the systematic study, observation, or evaluation of factors related to the prevention, assessment, treatment, and understanding of an illness. This involves all behavioral and medical experimental research that involves human beings as experimental subjects.



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- A) Department of Health and Human Services  
Health Care Financing Administration  
42 CFR 2.52 (Research Activities) (1995).
- B) Department of Health and Human Services  
Food and Drug Administration  
21 CFR 178.1010 (Sanitizing Solutions) (1995).
- b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.
- c) The following State statutes are referenced in this Part:
  - 1) Hospital Licensing Act [210 ILCS 85];
  - 2) Nursing Home Care Act [210 ILCS 45]; and
  - 3) Illinois Administrative Procedure Act [5 ILCS 100].
- d) The following State rules are referenced in this Part:
  - 1) Department of Public Health, Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100);
  - 2) Department of Public Health, Control of Communicable Diseases Code (77 Ill. Adm. Code 690); and
  - 3) Department of Public Health, Food Service Sanitation Code (77 Ill. Adm. Code 750).

Section 280.1020 Licensure Procedures

- a) The Department shall issue a hospice license only to a licensed home health agency, hospital, nursing home (long-term care facility) or not-for-profit agency. (Section 4(c) of the Act)
- b) An application for an initial license or a renewal license to operate as a full or volunteer hospice shall be in writing on forms provided by the Department. (Section 5 of the Act) The application shall be made under oath and shall contain the following information:
  - 1) The name, address, and telephone number of the hospice program location.
  - 2) The type of hospice, i.e., volunteer or full hospice. If the program is a volunteer hospice, a listing of provided services.
  - 3) If workstations are used, the address and phone number of each central office and the address and phone number of each workstation.
  - 4) If the hospice program is not a not-for-profit agency, the type of primary license, i.e., hospital, long-term care facility, or home health agency, held by the full hospice.
  - 5) A statement of ownership in accordance with Section 280.1030 of this Part.
  - 6) The name and address of the registered agent or other individual authorized to receive Service of Process for the hospice program.
  - 7) The name of the person under whose management or supervision the facility will be operated.
  - 8) A listing of professional staff including their name, title,

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Significant Others - friends and associates who provide physical, emotional, spiritual or financial support to the patient.

Social Worker - a person who is a licensed social worker or a licensed clinical social worker under the Clinical Social Work and Social Work Practice Act [225 ILCS 20] and has one year of social work experience in a health care setting. An exception to the one-year experience requirement may be allowed upon approval by the Department of Public Health. The Department's decision to grant an exception will be based on, but not be limited to, the hospice's efforts to employ a social worker who meets this requirement.

Staff - paid employees of a hospice, individuals working under contractual agreements, and volunteers.

*Terminally Ill* - a medical prognosis by a physician that a patient has an anticipated life expectancy of 6 months or less. (Section 3(k) of the Act)

Volunteer - a person who offers his or her services to a hospice without compensation. Reimbursement for a volunteer's expenses in providing hospice service shall not be considered compensation. (Section 3(l) of the Act)

Volunteer Hospice - a program which provides hospice services to patients regardless of their ability to pay, with emphasis on the utilization of volunteers to provide services, under the administration of a not-for-profit agency. This does not prohibit the employment of staff. (Section 3(m) of the Act) In this part, the use of the phrase "full hospice" applies only to full hospice programs. The use of "volunteer hospice" applies only to volunteer hospice programs. The use of "hospice" or "hospice programs" applies to both full hospice programs and volunteer hospice programs.

Workstation - an office provided for an employee's convenience and not identified in advertising or used for providing hospice services.

Section 280.1010 Incorporated and Referenced Materials

- a) The following regulations and standards are incorporated by reference in this Part:
  - 1) Private and professional association standards:
    - National Fire Protection Association (NFPA), Standard No. 101 (1994): Life Safety Code, Chapter 22 and Chapter 23 "Board and Care Homes, Impractical Evacuation Capabilities", which may be obtained from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269.
  - 2) Federal regulations:

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license or registration number, whether they are full or part time, and whether they are paid or volunteer employees.

- 9) Number of volunteers and (approximate) total combined volunteer hours of care and service per week.
- 10) Source of income.
- 11) A designation of the proposed geographic area to be served by the hospice.
- 12) Hospice census report for the fiscal year (for renewals only).
- 13) A listing of outside contractors.
- 14) A copy of the annual hospice service plan.
- 15) A copy of the current annual budget and financial audit for the current fiscal year.
- 16) If the central office is used by patients and the public, a certification from the local fire authority or State Fire Marshal that the location meets fire and safety ordinances and laws.
- c) An application for licensure as a full hospice shall be accompanied by a fee of \$100. An application for a volunteer hospice shall be accompanied by a fee of \$25.
- d) Upon receipt and review of a complete application for licensure, the Department shall conduct an inspection to determine compliance with the Act and this Part.
- e) If the hospice program is found to be in substantial compliance with the Act and this Part, the Department shall issue a license for a period of one year.

- 1) The license shall not be transferable; it is issued to the licensee and for the specific location; and
- 2) The license shall become automatically void and shall be returned to the Department if a full hospice's hospital, long-term care facility or home health agency license is revoked, nonrenewed, relinquished, denied, forfeited or suspended.
- f) An application for license renewal shall be filed with the Department 60 days prior to the expiration of the license, on forms provided by the Department.

- 1) The renewal application shall comply with the requirements of subsections (a), (b)(1)-(7) and (11), and (c) of this Section.
- 2) Pursuant to Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65], licensees who are individuals are subject to denial of renewal of licensure if the individual is more than 30 days delinquent in complying with a child support order.

- 3) Upon receipt and review of a complete application for license renewal, the Department may conduct a survey. The Department's decision to conduct a survey will be based on, but not be limited to, compliance history, changes in key personnel, complaints and the length of time since the last survey. The Department shall renew the license in accordance with subsection (e) of this Section.

- g) The licensee shall report changes in the information on the

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application to the Department within ten days after the change. The following changes need not be reported: number of volunteers and total hours; sources of income for the fiscal year; hospice census report numbers; staff changes for other than program supervisors.

- h) The hospice program license shall be displayed in a conspicuous place inside the hospice program office. (Section 4(e) of the Act)
- i) The license shall be valid only for the hospice program, persons and location named in the application and shall not be assignable. This subsection does not prohibit the use of workstations throughout the geographic service areas.

**Section 280.1030 Statement of Ownership**

- a) As a condition of issuance or renewal of a license to operate a hospice program, the applicant shall file a statement of ownership.
- b) The licensee shall notify the Department of any change in the information required in the statement of ownership within ten days after the change.
- c) The statement of ownership shall include the following: name, address, telephone number, occupation or business activity, and the percent of direct or indirect financial interest of any person having a direct or indirect interest of five percent or more in the legal entity designated as the operator/licensee of the hospice program.

**Section 280.1040 Inspections and Investigations**

- a) The Department shall perform licensure inspections, as deemed necessary, to ensure compliance with the Act and this Part.
- b) All services and facilities to which this Part applies shall be subject to and shall be deemed to have given consent to all inspections by properly identified personnel of the Department, or by other such properly identified persons as the Department might designate. In addition, representatives of the Department might access to and may reproduce or photocopy any books, records and other documents maintained by or for the licensee to the extent necessary to carry out the Act and this Part.
- c) The Department may, upon its own motion, and shall, upon receiving a verified complaint in writing of any persons setting forth facts which if proven would constitute grounds for the denial of an application or refusal to renew a license or revocation of a license, investigate the applicant or licensee. (Section 11(a) of the Act)

**Section 280.1050 Notice of Violation and Plan of Correction**

- a) Upon determination that the licensee or applicant is in violation of the Act or this Part, the Department shall issue a written Notice of Violation and request a plan of correction. The notice shall specify the violations, and shall instruct the licensee or applicant to submit

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a plan of correction to the Department within 10 days after receipt of the Notice.

- b) Each plan of correction shall be based on an assessment by the hospice program of the conditions or occurrences that are the basis of the violation and an evaluation of the practices, policies, and procedures that have caused or contributed to the conditions or occurrences. Evidence of such assessment and evaluation shall be maintained by the hospice program. Each plan of correction shall include:
  - 1) A description of the specific corrective action the hospice program is taking, or plans to take, to abate, eliminate, or correct the violation cited in the Notice.
  - 2) A description of the steps that will be taken to avoid future occurrences of the same and similar violations and the parties responsible for the correction.
  - 3) A specific date by which the corrective action will be completed.
- c) Submission of a plan of correction shall not be considered an admission by the hospice program that the violation has occurred.
- d) The Department shall review each plan of correction to ensure that it provides for the abatement, elimination, or correction of the violation. The Department shall reject a submitted plan only if it finds any of the following deficiencies:
  - 1) The plan does not appear to address the conditions or occurrences that are the basis of the violation and an evaluation of the practices, policies, and procedures that have caused or contributed to the conditions or occurrences.
  - 2) The plan is not specific enough to indicate the actual actions the hospice program will be taking to abate, eliminate, or correct the violation.
  - 3) The plan does not provide for measures that will abate or eliminate, or correct the violation.
  - 4) The plan does not provide steps that will avoid future occurrences of the same and similar violations.
  - 5) The plan does not provide for timely completion of the corrective action, considering the seriousness of the violation, any possible harm to the patients, and the extent and complexity of the correction action.
- e) The Department shall notify the licensee or applicant in writing of the rejection of the plan of correction, including specific reasons for the rejection of the plan. The hospice program shall have 10 days after receipt of notice of rejection in which to submit a modified plan that addresses the requirements of subsection (b) of this Section.
- f) If a licensee or applicant fails to make a timely submission of a modified plan of correction, or such modified plan is not acceptable to the Department, a plan of correction may be specified and imposed by the Department.
- g) The Department shall verify the completion of the corrective action required by the plan of correction within the specified time period

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during subsequent investigations, surveys and evaluations of the facility.

## Section 280.1060 Adverse Licensure Actions

- a) Before denying an application or refusing to renew a license or revoking a license, the Department shall notify the applicant or licensee in writing. (Section 11(a) of the Act)
- b) Such notice shall be effected by registered mail or by personal service setting forth the particular reasons for the proposed action and fixing a date, not less than 15 days from the date of such mailing or service, at which time the applicant or licensee shall be given an opportunity for a hearing. (Section 11(b) of the Act)
- c) Such hearing shall be conducted by the Director or designee in conformance with the Department's Rules of Practice and Procedure in Administrative Hearings and Section 11 of the Act. (Section 11(b) of the Act)
- d) A license may be revoked or suspended for any of the following reasons:
  - 1) A violation of any provision of the Act or this Part; or
  - 2) The loss of a license held by the affiliated Agency under its applicable licensing Act. (Section 10 of the Act)

## SUBPART B: HOSPICE SERVICES

## Section 280.2000 Hospice Service Plan

Each hospice program shall develop an annual hospice service plan detailing the specific hospice services offered, and the administrative and direct care personnel responsible for those services. The hospice service plan shall include but not be limited to:

- a) Identification of the person or persons administratively responsible for the program, and the affiliation, if any, of such person or persons with a licensed home health agency, hospital or nursing home.
- b) The estimated average monthly patient census.
- c) The proposed geographic area the hospice will serve.
- d) A listing of those hospice services provided directly by the hospice, and those hospice services provided indirectly through a contractual agreement.
- e) The names and qualifications of those persons or entities under contract to provide indirect hospice services.
- f) The name and qualifications of those persons providing direct hospice services, with the exception of volunteers.
- g) A description of how the hospice plans to utilize volunteers in the provision of hospice services.
- h) A description of the program's clinical record-keeping system. (Section 3(j) of the Act)



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**Section 280.2010 Hospice Services**

a) The hospice care team will be responsible for ensuring that all services are provided in accordance with the patient care plan. Services will be provided directly by the hospice or through written contracts with other providers.

b) Each volunteer hospice shall provide at least Nursing Services or Social Services and one of the other hospice services defined in subsection (c) of this Section. Each volunteer hospice shall make available a list of referrals for other care services not provided directly or by arrangement by the hospice program. The volunteer hospice shall educate these service providers on hospice philosophy.

c) Each full hospice shall provide all of the following hospice services:

- 1) Nursing Services - Nursing services are responsible for developing and implementing the diagnostic, therapeutic, and rehabilitative plan as prescribed by the patient's physician. The nursing staff shall provide care in the patient's private home environment, whether his own home or the home of family or friends; observe symptoms and reactions; and meet the nursing care needs of the terminally ill. A registered nurse must perform the home care assessment. Nursing services must be provided under the supervision of a registered nurse.

2) Social Services - Social services shall be made available to the patient/family. An evaluation of the social needs, such as environment, religious background, financial needs, psychosocial needs, family, special activities, and psychological needs shall be conducted. Social services shall be delivered by a social worker.

3) Pastoral/Counseling Services - The hospice program shall provide, at a minimum, one pastoral care person or other counselor. Pastoral/counseling services shall be made available to the patient and family. The patient's religious beliefs and practices shall be accommodated either by the hospice or with an outside source. *The hospice program shall not impose the dictates of any value or belief system on its patients.* (Section 8(g) of the Act)

4) Bereavement Services and Counseling - Each hospice shall provide bereavement counseling and services to the families of hospice patients to the extent desired by the family. Bereavement services shall be coordinated with the family's clergy, if any, as well as with other community resources judged by the hospice care team to be useful to the family.

5) Dietary Services - The hospice program shall perform a dietary evaluation of the patient. This evaluation must be reviewed by the hospice care team. Consultation by a dietitian shall be available to the patient as determined necessary by the hospice care team.

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**Section 280.2020 Administrator**

The governing body shall appoint an administrator whose qualifications and duties are defined in writing. The administrator shall have the following responsibilities:

- a) Ensure the completion, maintenance, and submission of all required reports and records to the Department.
- b) Assist the governing body in formulating and annually reviewing the hospice program policies and procedures.
- c) Maintain a current organizational chart that identifies the lines of authority from clinical supervision to the patient care level. Shift supervisors and staff members in positions of authority shall be identified.
- d) Have authority for the management of the business affairs and overall operation of the hospice.
- e) Maintain personnel records, administrative records, and all policies and procedures of the hospice.
- f) Ensure the provision of an orientation and in-service training program for all staff, covering the physical, emotional, spiritual, bereavement and social needs of hospice patients and their families.
- g) Employ personnel who meet the requirements of the written job descriptions of the hospice.
- h) Designate in writing the staff member who will act in the absence of the administrator.

**Section 280.2030 Policies and Procedures**

The hospice shall have written policies and procedures governing all services provided by the hospice, which shall be formulated with the involvement of the administrator and representatives of the governing body. The policies shall be available to the staff, patients, patients' families and the public. These written policies shall be followed in operating the hospice and shall be reviewed annually and revised as necessary. These policies shall include a written statement:

- a) of philosophy, objectives and goals the hospice is striving to achieve;
- b) of the hospice services provided and the type of hospice license required;
- c) of the relationship of the hospice to the families of its patients;
- d) concerning admission, transfer, and discharge of patients;
- e) concerning community participation and input, if any; and
- f) concerning the planning, evaluation and quality assurance process.

**Section 280.2040 Personnel Policies**

- a) The hospice shall develop and maintain written personnel policies that are followed in the operation of the program. These policies shall include policies and procedures regarding the use of volunteers.

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Section 280.2045 Initial Health Evaluation for Employees

- a) Each employee shall have an initial health evaluation, which shall be used to ensure that employees are not placed in positions that would pose undue risk of infection to themselves, other employees, patients, or family members.
- b) The initial health evaluation shall include a health inventory. This inventory shall be obtained from the employee and shall include the employee's immunization status and any available history of conditions that would predispose the employee to acquiring or transmitting infectious diseases in the course of performing anticipated job functions. It shall include any history of exposure to, or treatment for, tuberculosis, any history of hepatitis, dermatologic conditions, chronic draining infections or open wounds.
- c) The initial health evaluation shall include a physical examination. The examination shall include at a minimum any procedures needed to:
  - 1) Detect any unusual susceptibility to infection and any conditions that would increase the likelihood of the transmission of disease, and
  - 2) Determine that the employee appears to be physically able to perform the job functions that the hospice program intends to assign to the employee.
- d) The health inventory and physical examination shall be completed no more than 30 days prior to and no more than 30 days after the date of initial employment.
- e) The initial health evaluation shall include a tuberculin skin test, which is conducted in accordance with the requirements of Section 690.720 of the Control of Communicable Diseases Code.

Section 280.2050 Patient Rights

- a) Each hospice program shall have written policies and procedures that support, enhance and protect the human, civil, constitutional and statutory rights of all patients. Rights shall include but not be limited to:
  - 1) The right to informed consent that specifies the type of care and services that will be provided in the hospice program.
  - 2) The right to information regarding diagnosis and prognosis and any change in either.
  - 3) The right to review and participate in his or her plan of care.
  - 4) The right to privacy.
- b) A copy of patient rights shall be provided to the patient upon admission to the hospice.

Section 280.2060 Clinical Records

Each hospice must establish and maintain a clinical record for every individual receiving services.

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- b) Employment application forms shall be completed on each employee and kept on file in the program's central office. The file shall contain, at a minimum, home address; telephone number; Social Security number; educational background; documentation of current professional certification, licensure or registration, as applicable; past employment history including dates, positions held, reasons for leaving. The date of employment and position held shall be documented in each file.
- c) Each employee shall have an accurate written job description. Employees shall only be assigned duties directly related to their job functions, as identified in the job descriptions. Exceptions may be made when unplanned events, such as severe weather, limit staffing temporarily.
- d) All personnel shall have either training or experience, or both, in the job assigned them.
- e) All new employees shall complete an orientation program covering, at a minimum, the program's philosophy and goals; job orientation, emphasizing allowable duties of the new employee, safety, and appropriate interactions with patients and families.
- f) All employees shall attend in-service training programs pertaining to their assigned duties at least annually. Written records of program content and personnel attending each session shall be maintained.
- g) The facility shall document all arrangements for each consultant's services in a written agreement setting forth services to be provided.
- h) The hospice shall retain professional and supervisory responsibility for all services provided under arrangements and shall ensure that all services are:
  - 1) Authorized by the hospice;
  - 2) Furnished in a safe and effective manner by qualified personnel; and
  - 3) Delivered in accordance with the patient's plan of care.
- i) Volunteer application forms shall be completed on each volunteer and kept on file in the program's central office. The file shall contain, at a minimum, home address; telephone number; Social Security number; educational and employment background relating to the volunteer position; documentation of current professional certification, licensure or registration relating to the volunteer position. The date of acceptance as a volunteer and position held shall be documented in each file.
- j) Each volunteer shall have an accurate written job description. Volunteers shall only be assigned duties directly related to their job functions, as identified in the job description.
- k) All volunteers shall have either training or experience, or both, in the job assigned them.
- l) All volunteers shall complete an orientation program covering, at a minimum, the program's philosophy and goals; job orientation, emphasizing allowable duties of the volunteer, safety, and appropriate interactions with patients and families.

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- a) A standardized format shall be used for documenting:
  - 1) Hospice care team services;
  - 2) Home care services; and
  - 3) Inpatient services.
- b) Record entries shall be made by hospice staff members or individuals providing services under contract.
- c) Progress notes shall be signed and dated by the person providing the services.
- d) The record shall include a conclusion or evaluation at the termination of hospice care, including a referral of the patient, family and/or significant others to another resource, if applicable.
- e) The record for each patient, family member and/or significant other provided hospice home care services shall include:
  - 1) The name of the person(s) who is assuming responsibility for the care of the patient at home; and
  - 2) The suitability or adaptability of the residence for the provision of required services.
- f) The documentation must reflect the physical condition of the patient, the psychosocial status of the patient, family member, and/or significant other and the care provided from admission through discharge.
- g) Each hospice must have a written program to identify how it will safeguard clinical records against loss, destruction and unauthorized use.
- h) A patient's clinical records shall be maintained by the hospice for at least five years after the patient has been discharged.

## Section 280.2070 Medical Director and Physician Services

- a) Each full hospice program shall have a medical director who shall be a physician licensed to practice medicine in all of its branches. (Section 8(d) of the Act) In his/her absence the medical director shall designate another physician to serve as hospice physician designee.
- b) The medical director shall have overall responsibility for medical direction of the care and treatment of patients and their families rendered by the hospice care team, and shall consult and cooperate with the patient's attending physician. (Section 8(d) of the Act)
- c) Duties of the medical director shall include but not be limited to:
  - 1) Reviewing the clinical material of the referring physician to document basic disease process; the drug regimen; and assessment of the patient's health and prognosis at time of entry.
  - 2) Performing an admission history and physical for each patient who has no other physician.
  - 3) Assisting in developing the plan of care for each patient/family with the coordination of the patient's physician.
  - 4) Attending and actively participating in patient/family care conferences, when requested to do so by the hospice care team

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- coordinator.
- 5) Reviewing the active medical care and palliative care in patient's homes, in the inpatient unit and outpatient hospice service.
- 6) Maintaining a regular schedule of participation in all components of the hospice care program; and maintaining 24-hour, seven days a week coverage of and ready availability to the hospice program through himself/herself or his/her hospice physician's designee.
- 7) Acting as a consultant to patient's physicians and other members of the hospice care team; helping to develop and review patient/family care policies and procedures; serving on the hospice care team; and reporting to the administrator regarding medical care delivered to the hospice patients.
- 8) Maintaining liaison with the personal or attending physician. (The personal physician is encouraged to provide primary care to his/her patient even though the patient also receives hospice care.)
- 9) Establishing written guidelines for symptom control, i.e., pain, nausea, vomiting, or other symptoms.
- d) The hospice must ensure that each patient has a physician. The hospice program shall have each patient or his/her representative complete and sign a form indicating the name of the physician responsible for his/her care.
- e) Each volunteer hospice shall have, at a minimum, a physician who will serve as a medical advisor to the hospice.

## Section 280.2080 Hospice Program Care

- a) Each hospice program shall develop written policies and procedures for admissions and discharges, the function of the hospice care team and the development of the patient care plan.
- b) Admissions and Discharges
  - 1) Admissions to the hospice program shall be limited to interested individuals who have been determined by their physician as having a terminal illness for which palliative care is considered the appropriate medical regimen.
  - 2) Restrictions by sex, age, or geographic areas must be clearly stated by each hospice program and shall apply to all applicants.
  - 3) Upon admission, the hospice care team shall coordinate an evaluation of the patient's physical, medical, spiritual, social and psychological needs. The patient, the family and his/her significant others shall be evaluated to determine the unit of care.
  - 4) Hospice services are voluntary and may be refused or stopped in accordance with written policies and procedures. The patient may request a return to curative treatment, at which time the need for hospice services is to be re-evaluated.
- c) Function of the Hospice Care Team



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- c) A system to report to the governing body findings and recommendations for improving the quality of care delivered. The quality assurance reports shall be reviewed by the hospice administrator and the governing body. The minutes of the meetings of the governing body shall indicate that the reports have been reviewed at least annually.

**Section 280.3000 Research or Experimental Programs**

Each hospice shall have a written policy concerning participation in research studies or experimental programs. (Studies conducted for statistical purposes only are not considered to be research or experimental programs.) The policy shall require approval from the Director prior to initiating any research study or experimental program. The Director will base approval of experimental programs upon the following:

- a) The establishment of appropriate written policies and procedures for all participants, including staff and patients affected.
  - b) Requirements for written informed consent signed by each subject or patient representative or legal guardian.
  - c) Procedures for full disclosure to subjects, including disclosures of conventional and experimental procedures, risk and/or potential discomfort, purposes or potential benefits, and alternative procedures.
  - d) Subjects shall be permitted to withdraw consent and to discontinue participation at any time and for any reason.
  - e) Subjects shall not be made, or requested, to waive any of their legal rights.
  - f) Confidentiality shall be maintained regarding identity and clinical records of all participants.
  - g) Control groups in treatment modalities shall be considered as participants in research and experimentation.
  - h) The hospice shall establish an interdisciplinary research committee or human rights committee that is composed of both program staff members and persons who are not staff members. This committee shall include hospice patients or their representatives, or family members of former hospice patients, and persons from outside the facility, such as doctors, lawyers, parents, friends and advocates.
- 1) The committee shall review experimental programs and research activities in accordance with a written review procedure to assure compliance with the policy for protection of human subjects of the Department of Health and Human Services (42 CFR 2.52 (1993)).
  - 2) All deliberations and decisions shall be documented.

SUBPART C: INPATIENT CARE

**Section 280.4000 Inpatient Care Facilities**

- a) To the maximum extent possible, care shall be furnished in the

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- 1) Each full hospice will have, at a minimum, an interdisciplinary working unit called the hospice care team. This unit shall be composed of, at a minimum, a physician, a nurse, a social worker, a pastoral or other counselor, and trained volunteers. The patient, patient's physician and patient's family and/or significant others are considered members of the hospice care team when development or revision of the patient's plan of care takes place.
- 2) Each volunteer hospice shall have a hospice care team consisting of staff from each of the services provided. The patient, patient's physician and patient's family and/or significant others are considered members of the hospice care team when development or revision of the patient's plan of care takes place. The hospice care team must participate in the development of every patient care plan. The hospice care team must establish a procedure to review each patient care plan on an ongoing basis but at least monthly.
- d) Patient Care Plan
  - 1) Each full and volunteer hospice shall ensure that there is a written plan of care for each patient. The hospice care team will complete an assessment of the care needs and evaluate the availability of the patient to be cared for in his/her place of residence.
  - 2) The plan shall be updated based on ongoing assessments by the hospice care team.
  - 3) The patient care plan shall provide for involvement of the family and/or significant others in treatment.
  - 4) Each full hospice or volunteer hospice providing services to a patient in both the home setting and the inpatient setting must have written policies and procedures to share the written plan of care between both settings to facilitate continuity of care.

**Section 280.2090 Quality Assurance Plan/Utilization Review**

Each hospice shall establish a written quality assurance plan for review of the services delivered. The plan must include:

- a) A procedure for individual assessment of care provided. At least quarterly, members of professional disciplines representing at least the scope of the hospice program shall review a 10% sample of both active and inactive clinical records of care delivered to hospice patients and families and shall provide a written summary for each individual assessment. The summary shall include the amount and kind of care delivered and shall address any unmet needs.
- b) A process for identification of problems. The person or persons responsible for coordinating quality assurance shall review all summaries of individual assessments at least quarterly and prepare a written report addressing any problems with care, treatment services, availability of services, and methods of care delivery.

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*patient's home. Should inpatient care be required, services are to be provided with the intent of minimizing the length of such care and shall only be provided in a hospital licensed under the Hospital Licensing Act, a skilled nursing facility licensed under the Nursing Home Care Act or a hospice residence. (Section 3(d) of the Act)*

b) The full hospice is responsible for placing patients in an inpatient facility that provides 24-hour nursing services in accordance with each patient's plan of care. Each shift must include a registered nurse who provides or supervises direct patient care to the hospice patient.

c) The inpatient facility shall provide hospice services in an area designed, equipped, and located for the comfort, convenience, and privacy of each patient and family member. This area shall have:

- 1) Physical space for private patient/family visiting;
- 2) Accommodations for family members to remain with the patient throughout the night;
- 3) Accommodations for family privacy after a patient's death; and
- 4) Decor that is homelike in design and function.

d) The area of an inpatient facility that is used as the hospice unit shall be located so that the activities of the rest of the facility do not infringe upon the activities of patients, families, staff or visitors in the hospice unit. Likewise, the presence of the hospice unit within the facility shall not interfere with the usual activities of the facility.

1) The inpatient facility shall have written policies that permit hospice patients to receive visitors, including small children, at any time of the day or night.

2) The inpatient facility shall have written policies that permit relatives and significant others of a hospice patient to participate in providing care to the patient, in accordance with the patient care plan.

e) It is permissible for a room in the designated hospice area to be used for nonhospice curative care, as long as there is written documentation that the nonhospice patient has been informed that the room is located in the hospice unit and the other patients in the unit are receiving palliative care rather than curative care. Such documentation shall include a statement to this effect, which has been signed by the patient. Hospice patients and nonhospice patients shall not be placed in the same room.

f) The hospice and inpatient facility, unless a hospice residence is under the same governing body, shall have written, dated and signed agreements stating the responsibilities of each.

## Section 280.4010 Licensure of Hospice Residences

- a) *The number of licensed hospice residences shall not exceed 12. (Section 9(c)(9) of the Act)*
- b) An applicant shall submit a hospice residence licensure application on

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forms provided by the Department. The application shall be made under oath and shall contain the following information:

- 1) All information required by Section 280.1020(b)(1)-(16) of this Part;
- 2) For buildings owned by the full hospice, the name, address, telephone number, occupation, and the percent of direct or indirect financial interest of any person having a direct or indirect interest of five percent or more in the legal entity that owns the building, or proposed building. For, leased buildings, the name, address, and telephone number; and
- 3) Proposed staffing.

c) An application for licensure as a hospice residence shall be accompanied by a fee of \$500.

d) Upon receipt and review of a complete application for licensure, the Department shall conduct an inspection to determine compliance with the Act and this Part.

e) Licenses will be issued to applicants in the following geographic areas, in the order in which completed applications are received by the Department:

- 1) Four hospice residences located in counties with a population of 700,000 or more;
- 2) Four hospice residences located in counties with a population of 200,000 or less than 700,000; and
- 3) Four hospice residences located in counties with a population of less than 200,000.

f) If the hospice residence is found to be in substantial compliance with the Act and this Part, the Department shall issue a license that expires on the same date as the full or volunteer hospice program license.

- 1) The license shall not be transferable; it is issued to the licensee and for the specific location; and
- 2) The license shall become automatically void and shall be returned to the Department if a hospice residence's full or volunteer license is revoked, nonrenewed, relinquished, denied, forfeited, or suspended.

g) An application for license renewal shall be filed with the Department 60 days prior to the expiration of the license, on forms provided by the Department.

- 1) The renewal application shall comply with the requirements of subsections (b) and (c) of this Section.
- 2) A letter from the Office of the State Fire Marshal shall accompany the application certifying that the hospice residence physical plant meets the provisions of Section 280.4060 of this Part.

3) Pursuant to Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65], licensees who are individuals are subject to denial of renewal of licensure if the individual is more than 30 days delinquent in complying with a child support



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including skin, nails, hair, and oral hygiene, in addition to treatment ordered by the physician.  
2) Each patient shall have at least one complete bath and hair wash weekly, if physically able to tolerate, and as many additional baths and hair washes as necessary for satisfactory personal hygiene and comfort.  
3) Each patient shall have clean, suitable clothing in order to be comfortable, sanitary, and free of odors.  
4) Each patient shall have clean bed linens at least twice weekly and more often as necessary.

e) Patients shall be encouraged to administer their own medications. If a patient or family member cannot administer the medications, administration shall be by licensed medical or licensed nursing personnel in accordance with their respective licensing requirements.  
f) Facilities shall develop and adhere to written medication policies and procedures addressing the procurement, storage, dispensing, administration and disposal of medications in compliance with federal, State and local regulations and the following:  
1) A statement of who will administer medications, how the staff will supervise self-administration of medications, whether medications will be self-administered or a combination of staff and self-administration.  
2) How the distribution and storage of medications will be handled.  
3) If the facility has both staff-administered and family- or self-administered medications, the care plan shall specify who will determine which system each patient will use.  
4) Procedures for recording medications that patients are taking.  
5) Procedures for storage of prescription and nonprescription medications.  
6) Method for refrigeration of biologicals.  
7) Procedures for labeling medications.

g) Physicians' Orders & Telephone Orders  
1) All medications shall be ordered by a physician. The order shall have the handwritten signature of the physician. The order will contain the name of the drug, dose, route and frequency.  
2) Telephone orders may be taken by a registered nurse. All such orders shall be immediately written in the client's medical plan of care record or a "telephone order form" and signed by the nurse taking the order. These orders shall be countersigned by the physician within 10 working days.  
3) Physicians' orders may be faxed.  
h) All medications to be released to the patient or to the person responsible for the patient's care at the time of discharge, or when the patient is going to be temporarily out of the facility at medication time, shall be approved by the physician. A notation concerning their disposition shall be made in the patient's medical plan of care.  
i) All Schedule II controlled substances shall be stored so that two

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order.  
4) Upon receipt and review of a complete application for license renewal, the Department shall conduct a survey. The Department shall renew the license in accordance with subsection (f) of this Section.

Section 280.4020 Hospice Residence Admission and Discharge

a) A patient shall be admitted only after receiving a documented terminally ill medical prognosis from a physician that he/she has an anticipated life expectancy of six months or less; the patient or patient's representative has elected hospice care; the hospice that owns and operates the hospice residence has accepted the individual as a patient of the hospice program; and in-home care is not practical.  
b) Patients of mixed ages, adults, infants and children under 18 years of age, may be admitted provided that they meet all other facility admission requirements.  
c) Before a patient is admitted to a facility or at the expiration of the period of a previous contract, a written contract shall be executed between the facility and the patient or patient's representative. The contract shall specify the services that will or will not be provided. The contract shall specify the rights, duties and financial obligations of the patient and the facility.  
d) At the time of admission to the facility, a copy of the written contract shall be given to the patient and his/her representative.  
e) Facilities shall ensure that all forms, agreements and signage that carry information significant to the patient are available and worded so as not to be confusing to the reader.  
f) A facility shall not admit more patients than the number authorized by the license issued to it.

Section 280.4030 Hospice Residence Nursing Care and Assistance in Activities of Daily Living

a) Through the hospice care team, the hospice shall be responsible for preparing, revising, documenting and implementing a single individual care plan for each patient.  
b) Nursing care and assistance with activities of daily living shall be provided to each patient to meet the total care needs of the patient as determined by the care plan.  
c) The hospice shall provide a sufficient number of properly trained and supervised staff to meet the needs of each patient. At least two staff, one of whom is a nurse, must be on duty when patients are present. If one of the staff is not a registered nurse, a registered nurse must be on call.  
d) Assistance with activities of daily living shall include, but not be limited to, the following:  
1) Each patient shall have proper daily personal attention,



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separate locks using two different keys must be unlocked to obtain these substances. This may be accomplished by several methods, such as a locked cabinet within a locked medicine room; separately locked, securely fastened boxes (or drawers) within a locked medicine cabinet; locked portable medication carts that are stored in a locked medicine room when not in use; portable medication carts containing a separate locked area within the locked medication cart when such a cart is made immobile; or securely fastened boxes (or drawers) within a locked cabinet in the patient's room.

- j) For all Schedule II substances, a controlled substance record shall be maintained that lists on separate sheets, for each type and strength of Schedule II substance, the following information: date, time administered, name of client, dose, physician's name, signature of person administering dose and number of doses remaining.
- k) Discontinued medications and medications of patients who have been discharged or who have died shall be disposed of in accordance with written policies and procedures. Medications for patients who have been temporarily transferred to home or hospital shall be kept in the facility until such time as the patient dies or is discharged from the facility. All expired medications shall be disposed of in accordance with written policies and procedures.
- l) Medications for each patient shall be kept and stored in the containers in which they were originally received. Medications shall not be transferred between containers, except that a licensed nurse may remove medications from original containers and place them in other containers to be sent with the patient when the patient will be out of the facility at the time of scheduled administration of medications.
- m) Medications prescribed for one patient shall not be administered to another patient.
- n) If for any reason a physician's medication order cannot be followed, the physician shall be notified as soon as it is reasonable, depending upon the situation, and a notification made in the patient's plan of care.
- o) Medication errors and drug reactions shall immediately be reported to the patient's physician. An entry thereof shall be made in the patient's medical record, and the error or reaction shall also be described in a separate report.
- p) Patients for whom the attending physician has given permission to be totally responsible for their own medication shall maintain possession of the key or combination of the lock to their own medication storage area. A duplicate key or a copy of the combination shall be kept by the facility in a secure place, for emergency use.

#### Section 280.4040 Hospice Residence Operational Requirements

- a) A supply of clean linen, washcloths and towels, available at all times and adequate for the number of residents, shall be provided. Storage,

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handling, processing and transportation of clean and soiled linen shall prevent cross-contamination and odors.

- b) Nutritional Issues  
If the integrated care plan identifies that client intake of adequate nutrition or hydration is a problem, a plan shall be developed that is consistent with the patient's advance directives or the patient's stated choices as noted in the clinical record.
- c) Meal Service  
Meals shall be scheduled in accordance with times customary in the community. Care shall be taken to ensure a variety of menus that recognize client preferences.
- d) Food Service Sanitation
  - 1) Food shall be free from spoilage, filth, and other contamination, and shall be safe for human consumption. Scheduled meals must be prepared in an inspected food service establishment.
  - 2) Food must be protected from potential contamination while being stored, prepared, served, or transported. Potentially hazardous food shall be maintained at temperature in accordance with Section 750.10 of the Food Service Sanitation Code (77 Ill. Adm. Code 750).
  - 3) Adequate refrigeration facilities and hot food storage facilities shall be provided to assure the maintenance of food at the required temperature during storage.
  - 4) No person shall work in food service while infected with a disease in a communicable form that can be transmitted by foods, or who is a carrier of organisms that cause such a disease, or while afflicted with a boil or infected wound or an acute respiratory infection.
  - 5) Staff shall wash their hands thoroughly with soap and warm water before starting work, during work as often as necessary to keep them clean, and after smoking, eating, drinking, or using the toilet. Staff shall not use tobacco in any form while engaged in food preparation or service nor while in any equipment or utensil washing or food preparation area.
  - 6) Food contact surfaces shall be easily cleanable, smooth, free of breaks, open seams, cracks, chips, pits, and similar imperfections, and free of difficult to clean internal corners and crevices. Nonfood contact surfaces of equipment shall be designed and fabricated to be smooth, washable, free of unnecessary ledges, projections, or crevices, and shall be of such material and in such repair as to be easily maintained in a clean, sanitary condition. Food contact and nonfood contact surfaces shall be maintained in a clean condition.
  - 7) Equipment and utensils shall be washed, rinsed, and sanitized after each use. For manual cleaning and sanitizing, items will be washed in a hot detergent solution, rinsed with clear water, and sanitized by one of the following methods:
    - A) immersion for at least one-half minute in clean, hot water

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- (1994) "Life Safety Code" Chapter 23 "Board and Care Homes, Impractical Evacuation Capabilities."
- 3) Each facility shall be in full compliance with local building codes and fire safety/protection requirements.
  - 4) Exits shall not be blocked.
  - 5) The following patient areas must be designed and equipped for the comfort and privacy of each patient and family members:
    - A) Physical space for private patient/family visiting;
    - B) Accommodations for family members to remain with the patient throughout the night;
    - C) Accommodations for family privacy after a patient's death;
    - D) A living room with a minimum area of 10 square feet per resident bed; and
    - E) A dining room with a minimum area of 10 square feet per resident bed.
  - 6) Decor shall be homelike in design and function.
  - 7) Not more than two people shall share a bedroom. No room commonly used for other purposes, including, but not limited to, a hall, stairway, attic, garage, storage area, shed or similar detached building, shall be used as a sleeping room for any client.
  - 8) The patient rooms shall be designed and equipped for adequate nursing care and the comfort and privacy of patients and shall comply with the following:
    - A) Be equipped with or conveniently located near toilet and bathing facilities;
    - B) Be at or above grade level;
    - C) Contain a suitable bed for each patient and other appropriate furniture;
    - D) Have closet space that provides security and privacy for clothing and personal belongings;
    - E) Contain no more than 2 beds;
    - F) Measure at least 100 square feet for a single patient room or 80 square feet for each patient in a multi-patient room; and
    - G) Be equipped with a device for calling the staff member on duty.
  - 9) Toilets and bathroom facilities shall be conveniently located. At least one toilet, washbasin, and bathtub or shower shall be provided per six clients. If the bathing area or toilet room contains more than one of each fixture, a means of allowing individual privacy shall be provided. Toilets and bathroom facilities shall be designed to provide the following:
    - A) An adequate supply of hot water at all times for patient use; and
    - B) Plumbing fixtures with control valves that automatically regulate the temperature of the hot water used by patients.
  - 10) Isolation areas. The hospice must make provisions for isolating patients with infectious diseases.

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- of at least 170° F; or
- B) immersion for at least one minute in a clean solution of at least 50 parts per million of available chlorine as a hypochlorite and having a temperature of at least 75° F; or
- C) immersion for at least one minute in a clean solution containing at least 12.5 parts per million of available iodine and having a pH not higher than 5.0 and a temperature of at least 75° F; or
- D) immersion in a clean solution containing any other chemical sanitizing agent allowed under 21 CFR 178.1010 that will provide the equivalent bactericidal effect of a solution containing at least 50 parts per million of available chlorine as a hypochlorite and having a temperature of at least 75° F for one minute.
- 8) Mechanical cleaning and sanitizing may be done by spray-type or immersion dishwashing machines, or by any other type of machine or device demonstrated to thoroughly clean and sanitize equipment and utensils. Machines shall be installed and maintained in good repair, and shall be operated in accordance with the manufacturer's instructions. The final sanitizing rinse shall be at least 180° F or equivalent. Refer to the Food Service Sanitation Code, Section 750.830(h), for specifics on mechanical sanitizing.
- 9) Utensils shall be air dried before being stored or shall be stored in a self-draining position.
- 10) Garbage and refuse shall be kept in durable, easily cleanable insect and rodent proof containers that do not leak or absorb liquid.
- 11) The facility shall be kept in such a condition as to prevent the harborage or feeding of insects and rodents. Screen doors shall be self-closing, and screening material shall not be less than 16 mesh to the inch.
- 12) Floors, floor coverings, walls, and ceilings shall be easily cleanable and maintained in good repair.
- 13) Poisonous or toxic materials shall be properly labeled. Insecticides and rodenticides and detergents, sanitizers, and other cleaning agents shall be stored physically separate from each other and not stored above or intermingled with food, food equipment, and utensils.
- e) Physical Plant Requirements
  - 1) New hospice residences shall submit drawings for the proposed facility for review by the Department, which shall be in compliance with the requirements of the National Fire Protection Association (NFPA) Standard No. 101 (1994), "Life Safety Code" Chapter 22 "Board and Care Homes, Impractical Evacuation Capabilities."
  - 2) Existing hospice residences shall comply with the requirements of the National Fire Protection Association (NFPA) Standard No. 101

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- 11) Garbage shall be disposed of in accordance with State and local requirements. Potentially infectious medical wastes shall be disposed of in accordance with State and local requirements. All solid waste shall be handled in the facility to prevent transmission of disease. Sharps must be stored and disposed of in rigid, puncture-resistant containers.
- 12) Water supply, sewage disposal and plumbing systems shall comply with all applicable State and local codes and ordinances.
- 13) Hospice residences shall be limited to 16 resident beds.

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Licensing
- 2) Code Citation: 11 Ill. Adm. Code 502
- 3) Section Number: 502.40 Adopted Action: Amendment
- 4) Statutory Authority: 230 ILCS 5/9(b)
- 5) Effective Date of Rule: June 1, 1998
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No.
- 8) Date filed in Agency's Principal Office: May 26, 1998
- 9) Notice of Proposal Published in Illinois Register: 22 Ill. Reg. 3759 - 2/20/98
- 10) Has JCAR issued a Statement of Objections to this rule? No.
- 11) Differences between proposal and final version: Pursuant to a request from JCAR: The ILCS citation in the Authority note (line 77) was corrected. In line 91, the subpart heading was added.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the letter issued by JCAR? Yes.
- 13) Will these amendments replace emergency amendments currently in effect?  
No
- 14) Are there any other proposed amendments pending in this Part? No
- 15) Summary and purpose of rules: This rulemaking eliminates the prohibition against owners with temporary licenses from entering horses 12 days after the issuance of a temporary license.
- 16) Information and questions regarding these adopted amendments shall be directed to:  
Gina DiCaro  
Illinois Racing Board  
Legal Department  
100 West Randolph, Suite 11-100  
Chicago, Illinois 60601  
312-814-5070.

The full text of the adopted amendments begins on the next page:



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Section	Trainers and Assistant Trainers
502.200	Prospective Trainers or Assistant Trainers
502.210	Workers' Compensation
502.220	
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Section	Jockeys and Apprentice Jockeys
502.230	Apprentice Jockeys, Criteria for Eligibility
502.235	Apprentice Contract or Certificate
502.238	

SUBPART G: DRIVERS

Section	Harness Driver
502.250	Prospective Harness Drivers
502.260	"Q" Licenses
502.270	"P" Licenses
502.280	"A" Licenses
502.290	

SUBPART H: OTHER LICENSEES

Section	Veterinarians
502.300	Veterinary Assistant
502.320	Farriers (Blacksmiths)
502.350	Exercise Riders
502.380	Pony Person
502.400	Stable Foreman
502.450	Jockey Agents
502.500	Authorized Agents
502.600	Tack Shop Operators and Other Vendors
502.650	Vendor Helper
502.660	Thoroughbred Grooms
502.680	Harness Grooms
502.690	Hotwalker
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SUBPART I: CONFLICTS OF INTEREST

Section	General Provision
502.800	Dual Licensing
502.820	Limitations on License
502.830	Husbands and Wives
502.840	Transfer of a Horse
502.850	

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TITLE 11:	ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B:	HORSE RACING
CHAPTER I:	ILLINOIS RACING BOARD
SUBCHAPTER c:	RULES APPLICABLE TO ALL OCCUPATION LICENSEES

PART 502  
LICENSING

SUBPART A: PROCEDURE

Section	Submission of Application
502.10	Complete Application
502.20	License Fees
502.30	Duration and Extent of Occupation Licenses
502.40	Rulings and Hearings
502.50	Denial of License
502.55	License to Participate
502.58	

SUBPART B: STATUTORY GROUNDS FOR DENIAL OF A LICENSE

Section	Denial of a License for Criminal Conviction
502.60	First-Time Applicant Who Has Been Convicted of a Crime
502.72	Prohibitions Against Persons on Conditional Discharge, Parole,
502.76	Probation or Supervision
502.78	Probationary Nature of Licenses
502.80	Unqualified to Perform the Duties
502.90	Falsifying Answers or Omitting Facts
502.100	Just Cause
502.102	Burden of Going Forward
502.104	Denial of a License for Just Cause in Illinois or in Another Racing Jurisdiction

SUBPART C: GENERAL CRITERIA

Section	Criteria for Determining Eligibility
502.110	Standards Required of All Applicants
502.115	

SUBPART D: OWNERS

Section	Owners
502.120	

SUBPART E: TRAINERS AND ASSISTANT TRAINERS

## ILLINOIS RACING BOARD

## NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Implementing Section 15 and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 [230 ILCS 5/15 and 9(b)].

SOURCE: Emergency rule adopted and codified at 6 Ill. Reg. 9711, effective July 27, 1982, for a maximum of 150 days; adopted and codified at 6 Ill. Reg. 13786, effective October 25, 1982; amended at 7 Ill. Reg. 5225, effective April 1, 1983; amended at 11 Ill. Reg. 20611, effective January 1, 1988; amended at 13 Ill. Reg. 1562, effective January 23, 1989; amended at 13 Ill. Reg. 4931, effective March 22, 1989; amended at 14 Ill. Reg. 17641, effective October 16, 1990; amended at 15 Ill. Reg. 11985, effective August 12, 1991; amended at 16 Ill. Reg. 12774, effective July 31, 1992; amended at 17 Ill. Reg. 19961, effective November 9, 1993; amended at 18 Ill. Reg. 11615, effective July 7, 1994; amended at 19 Ill. Reg. 5034, effective April 1, 1995; amended at 19 Ill. Reg. 17190, effective January 1, 1996; amended at 20 Ill. Reg. 13052, effective October 1, 1996; amended at 22 Ill. Reg. 10656, effective JUN 01 1998.

## SUBPART A: PROCEDURE

## Section 502.40 Duration and Extent of Occupation Licenses

- a) Each occupation license shall expire December 31 of each year. Owners otherwise meeting the requirements of Section 502.30 and Subparts B, C, and D of this Part shall be granted a temporary license pending completion of the full application, which will be valid for 30 days from the date of issuance, and shall be ~~valid to enter the horses named on the application for a period of 12 days from the date of issuance.~~ Upon expiration of the 30-day temporary license, the owner's occupation license will be suspended pending completion of all licensing procedures.
- b) An occupation license issued at one race meeting during the calendar year shall be valid at any other race meeting regulated by the Board that year provided that the holder:
- 1) is not found to be in violation of the Act or of the rules of the Board;
  - 2) is not convicted of a crime as defined in 502.60;
  - 3) has not had his license or permit suspended or revoked in any other racing jurisdiction; and
  - 4) is qualified to perform the duties required of such applicant, according to Sections 502.120 through 520.790.

(Source: Amended at 22 Ill. Reg. 10656, effective JUN 01 1998.)

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Food Stamps
- 2) Code Citation: 89 Ill. Adm. Code 121
- 3) Section Numbers:

121.160	Emergency Action:
121.162	Amendment
121.164	Amendment
121.177	New Section
121.179	New Section
121.184	Amendment
121.188	Amendment
121.220	Amendment
121.225	New Section
121.226	New Section
- 4) Statutory Authority: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13], P.L. 104-193 and P.L. 105-34.
- 5) Effective Date of Amendments: June 1, 1998
- 6) If these emergency amendments are to expire before the end of the 150-day period, please specify the date on which they are to expire: Not applicable
- 7) Date filed in Agency's Principal Office: June 1, 1998
- 8) Reason for Emergency: This emergency rulemaking is necessary to promote the health and welfare of food stamp recipients. The changes being made to the Food Stamp Employment and Training Program, by these emergency amendments, will create two new components which will enable food stamp recipients to meet the food stamp work requirement and retain food stamp eligibility.
- 9) A Complete Description of the Subject and Issues Involved: These proposed amendments implement the Illinois Works Component and the JTPA Employment Services Component. This rulemaking will enable able-bodied adults without dependents (ABAWDs) to meet the work requirement of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 (P. L. 104-193). In addition, this rulemaking will enable the Department to provide additional services to ABAWDs while meeting the revised food stamp provisions of the recent Balanced Budget Act of 1997 (P. L. 105-34).

## Illinois Works Component

The Illinois Works Component is designed to provide participants with a

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Springfield, Illinois 62762  
Telephone number: (217) 785-9772  
TTY: (217) 557-1547

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

The full text of the Emergency Amendments begins on the next page:

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meaningful orientation to work, work experience or training, and to assist them in finding jobs. This rulemaking provides that an individual will be expected to participate fully with all Illinois Works Component requirements to maximize his or her employment potential. The eligibility criteria, participation requirements, administration and contract provisions and the definition of a suitable Illinois Works position are established by these proposed amendments.

JTPA Employability Services Component

The JTPA Employability Services Component is designed to provide participants with a meaningful orientation, assessment and training, and to assist them in finding jobs. This rulemaking provides that an individual is expected to participate fully with all component requirements to maximize his or her employment potential. The eligibility criteria, participation requirements and administration and contract provisions are established by these proposed amendments.

Sanctions

As a result of these proposed amendments, failure to report to the Illinois Works or JTPA Employability Services provider when initially called in or referred, failure to participate, or failure to attend one day in any 30-day period, without good cause, will result in a Transitional Assistance Sanction and/or food stamp disqualification.

Supportive Services

Transportation expenses are eligible to be paid to permit participation in the Illinois Works and JTPA Employability Services. However, initial employment expenses will not be authorized for participants in Illinois Works and JTPA Employability Services.

- 10) Are there any other amendments pending on this Part? Yes

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
121.182	Amendment	22 Ill. Reg. 8258

- 11) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not create or expand a State mandate.

- 12) Information and questions regarding these amendments shall be directed to:

Mrs. Susan Warner Weir, Bureau Chief  
Bureau Administrative Rules and Procedures  
Department of Human Services  
100 South Grand Avenue East  
3rd Floor, Harris Bldg.



## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES  
 CHAPTER IV: DEPARTMENT OF HUMAN SERVICES  
 SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 121  
 FOOD STAMPS

## SUBPART A: APPLICATION PROCEDURES

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121.1	Application for Assistance
121.2	Time Limitations on the Disposition of an Application
121.3	Approval of an Application and Initial Authorization of Assistance
121.4	Denial of an Application
121.5	Client Cooperation
121.6	Emergency Assistance
121.7	Expedited Services
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## SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section	
121.18	Work Requirement
121.19	Ending a Voluntary Quit Disqualification
121.20	Citizenship
121.21	Residence
121.22	Social Security Numbers
121.23	Work Registration/Participation Requirements
121.24	Individuals Exempt From Work Registration Requirements
121.25	Failure to Comply
121.26	Period of Sanction
121.27	Voluntary Job Quit
121.28	Good Cause for Voluntary Job Quit
121.29	Exemptions from Voluntary Quit Rule

## SUBPART C: FINANCIAL FACTORS OF ELIGIBILITY

Section	
121.30	Unearned Income
121.31	Exempt Unearned Income
121.32	Education Benefits
121.33	Unearned Income In-Kind
121.34	Lump Sum Payments and Income Tax Refunds
121.40	Earned Income
121.41	Budgeting Earned Income
121.50	Exempt Earned Income
121.51	Income from Work/Study/Training Programs

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121.52	Earned Income from Roomer and Boarder
121.53	Income From Rental Property
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## SUBPART D: ELICIBILITY STANDARDS

Section	
121.60	Net Monthly Income Eligibility Standards
121.61	Gross Monthly Income Eligibility Standards
121.62	Income Which Must Be Annualized
121.63	Deductions From Monthly Income
121.64	Food Stamp Benefit Amount

## SUBPART E: HOUSEHOLD CONCEPT

Section	
121.70	Composition of the Assistance Unit
121.71	Living Arrangement
121.72	Nonhousehold Members
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121.75	Students
121.76	Households Receiving AFDC, SSI, Interim Assistance and/or GA -
	Categorical Eligibility

## SUBPART F: MISCELLANEOUS PROGRAM PROVISIONS

Section	
121.80	Fraud Disqualification (Renumbered)
121.81	Initiation of Administrative Fraud Hearing (Repealed)
121.82	Definition of Fraud (Renumbered)
121.83	Notification To Applicant Households (Renumbered)
121.84	Disqualification Upon Finding of Fraud (Renumbered)
121.85	Court Imposed Disqualification (Renumbered)
121.90	Monthly Reporting and Retrospective Budgeting
121.91	Monthly Reporting
121.92	Retrospective Budgeting
121.93	Issuance of Food Stamp Benefits
121.94	Replacement of the EBT Card or Food Stamp Benefits
121.95	Restoration of Lost Benefits
121.96	Uses For Food Coupons
121.97	Supplemental Payments
121.98	Client Training for the Electronic Benefits Transfer (EBT) System
121.105	State Food Program

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- 121.203 Collecting Claim Against Households (Recodified)  
121.204 Failure to Respond to Initial Demand Letter (Recodified)  
121.205 Methods of Repayment of Food Stamp Claims (Recodified)  
121.206 Determination of Monthly Allotment Reductions (Recodified)  
121.207 Failure to Make Payment in Accordance with Repayment Schedule (Recodified)  
121.208 Suspension and Termination of Claims (Recodified)

SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

- Section 121.220 Work Requirement Workfare Components  
EMERGENCY  
121.221 Meeting the Work Requirement with the Earnfare Component  
121.222 Volunteer Community Work Component  
121.223 Work Experience Component  
121.224 Supportive Service Payments to Meet the Work Requirement  
121.225 Meeting the Work Requirement with the Illinois Works Component  
EMERGENCY  
121.226 Meeting the Work Requirement with the JTPA Employability Services Component

AUTHORITY: Implementing Sections 12-4.4 through 12-4.6 and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-4.4 through 12-4.6 and 12-13].

SOURCE: Adopted December 30, 1977; amended at 3 Ill. Reg. 5, p. 875, effective February 2, 1979; amended at 3 Ill. Reg. 31, p. 109, effective August 3, 1979; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amended at 3 Ill. Reg. 41, p. 165, effective October 11, 1979; amended at 3 Ill. Reg. 42, p. 230, effective October 9, 1979; amended at 3 Ill. Reg. 44, p. 173, effective October 19, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 49, effective January 9, 1980; peremptory amendment at 4 Ill. Reg. 10, p. 253, effective February 23, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; February 27, 1980; amended at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for emergency amendment at 4 Ill. Reg. 45, p. 134, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 17, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1131, effective January 16, 1981; amended at 5 Ill. Reg. 4586, effective April 15, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 12736, effective October 29, 1981; amended at 6 Ill. Reg. 1653, effective January 17, 1982; amended at 6 Ill. Reg. 2707, effective March 2, 1982; amended at 6 Ill. Reg. 8159, effective July 1,

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- 121.120 Recertification of Eligibility  
121.130 Residents of Shelters for Battered Women and their Children  
121.131 Fleeing Felons and Probation/Parole Violators  
121.135 Incorporation By Reference  
121.140 Small Group Living Arrangement Facilities and Drug/Alcoholic Treatment Centers

SUBPART G: INTENTIONAL VIOLATIONS OF THE PROGRAM

- Section 121.150 Definition of Intentional Violations of the Program  
121.151 Penalties for Intentional Violations of the Program  
121.152 Notification To Applicant Households  
121.153 Disqualification Upon Finding of Intentional Violation of the Program  
121.154 Court Imposed Disqualification

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

- Section 121.160 Persons Required to Participate  
EMERGENCY  
121.162 Participation and Cooperation Requirements  
EMERGENCY  
121.164 Orientation  
EMERGENCY  
121.166 Assessment and Employability Plan  
121.170 Job Search Component  
121.172 Basic Education Component  
121.174 Job Readiness Component  
121.176 Work Experience Component  
121.177 Illinois Works Component  
EMERGENCY  
121.178 Job Training Component  
121.179 JTPA Employability Services Component  
EMERGENCY  
121.180 Grant Diversion Component  
121.182 Earnfare Component  
121.184 Sanctions  
EMERGENCY  
121.186 Good Cause for Failure to Cooperate  
121.188 Supportive Services  
EMERGENCY  
121.190 Conciliation and Fair Hearings  
121.200 Types of Claims (Recodified)  
121.201 Establishing a Claim for Intentional Violation of the Program (Recodified)  
121.202 Establishing a Claim for Unintentional Household Errors and Administrative Errors (Recodified)

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1982; amended at 6 Ill. Reg. 10208, effective August 9, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; amended at 7 Ill. Reg. 394, effective January 1, 1983; codified at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 5715, effective May 1, 1983; amended at 7 Ill. Reg. 8118, effective June 24, 1983; peremptory amendment at 7 Ill. Reg. 12899, effective October 1, 1983; amended at 7 Ill. Reg. 13655, effective October 4, 1983; peremptory amendment at 7 Ill. Reg. 16067, effective November 18, 1983; amended at 7 Ill. Reg. 16169, effective November 22, 1983; amended at 8 Ill. Reg. 5673, effective April 18, 1984; amended at 8 Ill. Reg. 7249, effective May 16, 1984; peremptory amendment at 8 Ill. Reg. 10086, effective July 1, 1984; amended at 8 Ill. Reg. 13284, effective July 16, 1984; amended at 8 Ill. Reg. 17900, effective September 14, 1984; amended (by adding Section being codified with no substantive change) at 8 Ill. Reg. 17898; peremptory amendment at 8 Ill. Reg. 19690, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 22145, effective November 1, 1984; amended at 9 Ill. Reg. 302, effective January 1, 1985; amended at 9 Ill. Reg. 6804, effective May 1, 1985; amended at 9 Ill. Reg. 8665, effective May 29, 1985; peremptory amendment at 9 Ill. Reg. 8898, effective July 1, 1985; amended at 9 Ill. Reg. 11334, effective July 8, 1985; amended at 9 Ill. Reg. 14334, effective September 6, 1985; peremptory amendment at 9 Ill. Reg. 15582, effective October 1, 1985; amended at 9 Ill. Reg. 16889, effective October 16, 1985; amended at 9 Ill. Reg. 19726, effective December 9, 1985; amended at 10 Ill. Reg. 229, effective December 20, 1985; peremptory amendment at 10 Ill. Reg. 7387, effective April 21, 1986; peremptory amendment at 10 Ill. Reg. 7941, effective May 1, 1986; amended at 10 Ill. Reg. 14692, effective August 29, 1986; peremptory amendment at 10 Ill. Reg. 15714, effective October 1, 1986; Sections 121.200 thru 121.208 recodified to 89 Ill. Adm. Code 165 at 10 Ill. Reg. 21094; peremptory amendment at 11 Ill. Reg. 3761, effective February 11, 1987; emergency amendment at 11 Ill. Reg. 3754, effective February 13, 1987, for a maximum of 150 days; emergency amendment at 11 Ill. Reg. 9968, effective May 15, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 10269, effective May 22, 1987; amended at 11 Ill. Reg. 10621, effective May 25, 1987; peremptory amendment at 11 Ill. Reg. 11391, effective July 1, 1987; peremptory amendment at 11 Ill. Reg. 11855, effective June 30, 1987; emergency amendment at 11 Ill. Reg. 12043, effective July 6, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13635, effective August 1, 1987; amended at 11 Ill. Reg. 14022, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 15261, effective September 10, 1987; for a maximum of 150 days; amended at 11 Ill. Reg. 15480, effective September 4, 1987; amended at 11 Ill. Reg. 15634, effective September 11, 1987; amended at 11 Ill. Reg. 18218, effective October 30, 1987; peremptory amendment at 11 Ill. Reg. 18374, effective October 30, 1987; amended at 12 Ill. Reg. 877, effective December 30, 1987; emergency amendment at 12 Ill. Reg. 1941, effective December 31, 1987, for a maximum of 150 days; amended at 12 Ill. Reg. 4204, effective February 5, 1988; amended at 12 Ill. Reg. 9678, effective May 23, 1988; amended at 12 Ill. Reg. 9922, effective June 1, 1988; amended at 12 Ill. Reg. 11463, effective June 30, 1988; amended at 12 Ill. Reg. 12824, effective July 22, 1988; emergency amendment at 12 Ill. Reg. 14045, effective August 19, 1988, for

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a maximum of 150 days; peremptory amendment at 12 Ill. Reg. 15704, effective October 1, 1988; peremptory amendment at 12 Ill. Reg. 16271, effective October 1, 1988; amended at 12 Ill. Reg. 20161, effective November 30, 1988; amended at 13 Ill. Reg. 3890, effective March 10, 1989; amended at 13 Ill. Reg. 13619, effective August 14, 1989; peremptory amendment at 13 Ill. Reg. 15859, effective October 1, 1989; amended at 14 Ill. Reg. 729, effective January 1, 1990; amended at 14 Ill. Reg. 6349, effective April 13, 1990; amended at 14 Ill. Reg. 13202, effective August 6, 1990; peremptory amendment at 14 Ill. Reg. 15158, effective October 1, 1990; amended at 14 Ill. Reg. 16983, effective September 30, 1990; amended at 15 Ill. Reg. 11150, effective July 22, 1991; amended at 15 Ill. Reg. 11957, effective August 12, 1991; peremptory amendment at 15 Ill. Reg. 14134, effective October 1, 1991; emergency amendment at 16 Ill. Reg. 757, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 10011, effective June 15, 1992; amended at 16 Ill. Reg. 13900, effective August 31, 1992; emergency amendment at 16 Ill. Reg. 16221, effective October 1, 1992, for a maximum of 150 days; peremptory amendment at 16 Ill. Reg. 16345, effective October 1, 1992; amended at 16 Ill. Reg. 16624, effective October 23, 1992; amended at 17 Ill. Reg. 644, effective December 31, 1992; amended at 17 Ill. Reg. 4333, effective March 19, 1993; amended at 17 Ill. Reg. 14625, effective August 26, 1993; emergency amendment at 17 Ill. Reg. 15149, effective September 7, 1993, for a maximum of 150 days; peremptory amendment at 17 Ill. Reg. 17477, effective October 1, 1993; expedited correction at 17 Ill. Reg. 21216, effective October 1, 1993; amended at 18 Ill. Reg. 2033, effective January 21, 1994; emergency amendment at 18 Ill. Reg. 2509, effective January 27, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 3427, effective February 28, 1994; amended at 18 Ill. Reg. 8921, effective June 3, 1994; amended at 18 Ill. Reg. 12829, effective August 5, 1994; amended at 18 Ill. Reg. 14103, effective August 26, 1994; amended at 19 Ill. Reg. 5626, effective March 31, 1995; amended at 19 Ill. Reg. 6648, effective May 5, 1995; emergency amendment at 19 Ill. Reg. 12705, effective September 1, 1995, for a maximum of 150 days; peremptory amendment at 19 Ill. Reg. 13595, effective October 1, 1995; amended at 20 Ill. Reg. 1593, effective January 11, 1996; peremptory amendment at 20 Ill. Reg. 2229, effective January 17, 1996; amended at 20 Ill. Reg. 7902, effective June 1, 1996; amended at 20 Ill. Reg. 11935, effective August 14, 1996; emergency amendment at 20 Ill. Reg. 13381, effective October 1, 1996, for a maximum of 150 days; emergency amendment at 20 Ill. Reg. 13668, effective October 8, 1996, for a maximum of 150 days; amended at 21 Ill. Reg. 3156, effective February 28, 1997; amended at 21 Ill. Reg. 7733, effective June 4, 1997; recodified from the Department of Public Aid to the Department of Human Services at 21 Ill. Reg. 9322; emergency amendment at 22 Ill. Reg. 1954, effective January 1, 1998, for a maximum of 150 days; amended at 22 Ill. Reg. 5502, effective March 4, 1998; amended at 22 Ill. Reg. 7969, effective May 15, 1998; emergency amendment at 22 Ill. Reg. ~~10660~~, effective June 1, 1998, for a maximum of 150 days.

SUBPART H: FOOD STAMP EMPLOYMENT AND TRAINING PROGRAM

## Section 121.160 Persons Required to Participate



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**EMERGENCY**

a) All individuals receiving food stamps who are not exempt will reside in areas exempt from the work requirement may be required to participate in the Food Stamp Employment and Training (FSE&T) program, to the extent resources are available. This includes, in priority order:

- 1) adults who receive food stamps and who volunteer or are court-ordered. If resources are available, these individuals may be required to participate in other Food Stamp Employment and Training activities;
  - 2) exempt and nonexempt individuals ordered by a court of competent jurisdiction to participate in Earnfare. Receipt of food stamps is not an eligibility requirement for individuals ordered by a court of competent jurisdiction who are non-custodial parents of TANF children;
  - 3) all other nonexempt food stamp recipients not receiving TANF or Refugee Assistance;
  - 4) recipients of Transitional Assistance;
  - 5) nonexempt clients receiving Family and Children Assistance may be required to participate in the Food Stamp Employment and Training program. See 89 Ill. Adm. Code 112.70 through 112.76 for requirements for these clients; and
  - 6) individuals who are homeless.
- b) Those individuals exempt from the Food Stamp Employment and Training program are those individuals who are (however, individuals may volunteer to participate):
- 1) under age 18 or over age 50;
  - 2) medically certified as physically or mentally unfit for employment;
  - 3) pregnant;
  - 4) a student enrolled at least half time;
  - 5) a member of a household responsible for a dependent child;
  - 6) responsible for the care of an incapacitated person;
  - 7) participating in a drug addiction or alcoholic treatment and rehabilitation program;
  - 8) receiving weekly earnings of at least the federal minimum wage times 30 hours; or
  - 9) receiving Unemployment Insurance.

10669

(Source: Amended by emergency rulemaking at 22 Ill. Reg. effective June 1, 1998, for a maximum of 150 days)

**Section 121.162 Participation and Cooperation Requirements**

**EMERGENCY**

a) To the extent resources allow, the Department shall establish employment, education and training programs for food stamp recipients

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in the Food Stamp Employment and Training program. All Food Stamp Assistance recipients not exempt under Section 121.160(b) may be required to participate and cooperate in the Food Stamp Employment and Training program to the extent resources allow. Individuals who are not Food Stamp Assistance recipients may be ordered by a court of competent jurisdiction to participate in the Earnfare component if they are non-custodial parents of TANF children. The individual will be given the participation requirements, in writing, for each component to which the individual is assigned. These components include:

- 1) Earnfare (see Section 121.182), which is limited to adults who receive food stamps and who volunteer or are court-ordered to participate;
  - 2) Work Experience (see Section 121.176);
  - 3) Job Training (see Section 121.178);
  - 4) Basic Education (see Section 121.172);
  - 5) Job Search (see Section 121.170); and
  - 6) Job Readiness (see Section 121.174);
  - 7) Illinois Works (see Section 121.177); and
  - 8) JTPA Employability Services (see Section 121.179).
- b) An individual is required to participate in the Food Stamp Employment and Training program by:
- 1) Cooperation with the Food Stamp Employment and Training program is defined as providing information on the individual's background, education level, and work history as well as factors affecting employability or ability to meet participation requirements (including health, physical or mental limitations, family problems, and any other related factors), appearing for scheduled meetings, and complying with the requirements of the Food Stamp Employment and Training program components identified in Sections 121.170 through 121.182.

2) Job Contacts in Job Search. Individuals are required to make 20 acceptable employer contacts in every 30 calendar days while in the Job Search component.

- A) Ten of the 20 required contacts must be either:
- i) the completion and return of an application;
  - ii) a face-to-face interview with an employer;
  - iii) the completion of a civil service test required for employment with the State, Local, or Federal Government;
- B) The remaining ten contacts may be any combination of the following:
- i) the completion and return of an application;
  - ii) a face-to-face interview with an employer;
  - iii) the completion of a civil service test required for employment with the State, Local, or Federal Government;
  - iv) the completion of a Job Service screening test;
  - v) the mailing of a resume with a cover letter to an employer;

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- vi) for union members in good standing, reporting to the union hall;
  - vii) reporting to a day labor hall; or
  - viii) reporting for temporary office service.
- C) Acceptable contacts are documented by written statements provided to the Food Stamp Employment and Training worker by the individual. The Food Stamp Employment and Training worker may verify the job contacts by contacting the employer.
- D) No individual shall be sanctioned and/or have Food Stamps disqualified for failure to make the appropriate number of job contacts if the individual has made a good faith effort to make the job contacts. Whether an individual has made a good faith effort to make the required number and types of contacts is based on all the facts and circumstances of each case. Good faith effort exists when circumstances beyond the control of the individual prevent the individual from making the required number of contacts. Good faith effort may include, but is not limited to, the following:
- i) the individual appears for a scheduled interview and the employer misses the appointment;
  - ii) the individual has fewer than 20 contacts and/or fewer than ten interviews or applications, but came reasonably close to the required numbers in an effort to find work;
  - iii) the individual fails a civil service or other employment screening test;
  - iv) the individual completes an application which is not accepted by the employer; and
  - v) the individual's job search performance indicates that the individual should be in a different Food Stamp Employment and Training component or in a rehabilitation program or should be evaluated by the Client Assessment Unit as potentially eligible for SSI.
- 3) Responding to a job referral of suitable employment (such as, a written statement referring a mandatory registrant to an employer for a specific position).
- 4) Accepting a bona fide offer of suitable employment. An individual must be given the opportunity to explain why an offer of employment was not accepted.
- A) A bona fide offer of suitable employment is where there was a definite offer of employment substantiated by confirmation from the prospective employer at wages meeting any applicable minimum wage requirements and which are customary for such work in the community, based on information obtained from the Department of Employment Security; and
  - B) Suitable employment must meet the following requirements:

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- i) there are no questions as to the mandatory registrant's inability to engage in such employment for medical reasons or because he has no way to get to or from the particular job;
  - ii) there are no questions of working conditions, such as risks to health, safety, or lack of worker's compensation protection;
  - iii) wages offered must be at least the Federal minimum wage, the State minimum wage, or \$4.25 per hour (if neither the federal nor State minimum wage is applicable);
  - iv) if the wages are offered on a piece-rate basis, the amount the individual can reasonably be expected to earn must equal the wages as outlined in subsection (c)(4)(B)(iii) of this Section;
  - v) the mandatory registrant may not be required, as a condition of employment, to join, resign from, or refrain from joining any legitimate labor organization;
  - vi) there is no unreasonable degree of risk to the mandatory registrant's health and safety; and
  - vii) the mandatory registrant is physically and mentally competent to perform the work.
- 5) Registering and appearing for any subsequent interviews at the Department of Employment Security's Job Service offices.
- c) Food Stamp Employment and Training participants who are employed must:
- 1) continue their employment; and
  - 2) not reduce their employment (for example, voluntarily reduce work hours).
- d) Failure to participate or cooperate with the Food Stamp Employment and Training requirements listed in this Section, without good cause (see Section 121.186), will result in a food stamp disqualification and/or financial sanction as outlined in Section 121.184.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days)

### Section 121.164 Orientation EMERGENCY

- a) The Department and/or entities operating components under contract, cooperative agreement or intergovernmental agreement shall arrange for individuals to receive a program orientation and an assessment to develop an employability plan. The orientation may be conducted by a provider of training or employment programs. When the orientation is scheduled by the Department, individuals will be sent a letter from the Department which includes the following information:
  - 1) the fact of the individual's registration;



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- 2) the right to request an exemption;
  - 3) a complete description of all available exemptions;
  - 4) the date and time of the meeting;
  - 5) a description of the program and the purpose of the meeting;
  - 6) the consequences of failing to attend;
  - 7) the right to reschedule the appointment with good cause;
  - 8) the right to request transportation services to attend; and
  - 9) the printed name of the worker to contact for such purposes.
- b) In an orientation meeting, individuals will receive an explanation of the Food Stamp Employment and Training program, including Earnfare, Illinois Works and JTPA Employability Services. The orientation shall include information regarding participation requirements, the distribution of a Food Stamp Employment and Training program booklet and an explanation of its contents which contains program information including the following:
- 1) an overview of the Food Stamp Employment and Training program, including Earnfare for those who are eligible to participate in Earnfare;
  - 2) the exemption criteria listed in Section 121.160(b);
  - 3) a description of all Food Stamp Employment and Training program components, eligibility criteria, and specific participation requirements for each component;
  - 4) general participation requirements, such as appearing for scheduled meetings with Food Stamp Employment and Training program staff, responding to a job referral, and accepting a bona fide offer of suitable employment as described in Section 121.162(c);
  - 5) the individual's responsibilities while in the Job Search component as described in Sections 121.162(c)(2) and 121.170;
  - 6) the Job Search allowance and the other supportive services identified in Section 121.188;
  - 7) information on what constitutes an acceptable employer contact;
  - 8) the assessment process and employability plan as described in Section 121.166; and
  - 9) the result of the individual's failure to cooperate, without good cause, with the Food Stamp Employment and Training program.
- c) When providing an orientation to individuals eligible for Earnfare, the orientation meeting shall include an explanation of participation requirements, the maximum Earnfare payment amount and the fact that individuals who volunteer for Earnfare are not subject to financial sanctions or food stamp disqualifications for refusal or failure to comply with Earnfare requirements.
- d) Nonexempt registrants must attend all scheduled orientation meetings or notify their Food Stamp Employment and Training worker of good cause to be excused and have their meeting rescheduled (see Section 121.186).
- 1) If an individual fails to attend an orientation meeting, without good cause (see Section 121.186), Transitional Assistance will be

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- 2) If the nonexempt registrant fails to attend an orientation meeting but has good cause (see Section 121.186), Transitional Assistance and/or Food Stamp Assistance shall be reinstated (if cancelled) and the nonexempt registrant shall be reimbursed for any Transitional Assistance lost.
  - 3) Transitional Assistance and/or Food Stamp Assistance shall be reinstated effective the date of the discontinuance if the mandatory registrant agrees to and subsequently attends an orientation meeting, provided the date of agreement falls on or before the last day of the fiscal month of the discontinuance. Individuals who sign an agreement and who subsequently attend the orientation meeting shall receive an assessment (as explained in Section 121.166) as part of the orientation session.
  - 4) The Department shall attempt to schedule the orientation meeting on the day that the nonexempt registrant agrees to attend such orientation, or as soon thereafter as possible.
- (Source: Amended by emergency at 22 Ill. Reg. ~~10660~~, effective June 1, 1998, for a maximum of 150 days)

Section 121.177 Illinois Works Component  
EMERGENCY

- a) The Illinois Works Component is designed to provide participants with a meaningful orientation to work, work experience or training and to assist them in finding jobs. An individual is expected to participate fully with all Illinois Works Component requirements to maximize his or her employment potential.
- b) Eligibility Criteria
  - 1) An assessment will be conducted to determine appropriateness for this component. Based on a review of all available information regarding the individual's education, previous training, skills level and employment history, a determination will be made as to whether the individual will benefit from an Illinois Works assignment.
  - 2) If an Illinois Works assignment does not appear appropriate or the individual does not possess the skills necessary for available Illinois Works assignment positions, the individual will be assigned to another appropriate component.
  - 3) The Illinois Works Component may be appropriate for an individual who has to meet the work requirement to receive food stamps.
  - 4) Individuals are not entitled to be placed in an Illinois Works position. Illinois Works positions shall be made available only as resources permit.
- c) Participation Requirements
  - 1) Participants must engage in hours of work equal to the amount of their food stamp benefits divided by the higher of the federal or



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- State minimum wage up to a maximum of 20 hours each month.
- 2) An individual living in a multi-person food stamp household shall be deemed to be receiving a per capita share of the household's food stamp allotment for purposes of calculating the Illinois Works hours. The individual must engage in hours of work equal to his or her per capita share divided by the higher of the federal or State minimum wage up to a maximum of 20 hours each month.
- 3) The individual shall be credited with hours of work that the Illinois Works employer certifies him or her to have completed, in writing, when approved by the Department.
- 4) Participants are required to report, as scheduled and on time, to the Illinois Works worksite. If they cannot appear for the assignment or will be late, they are to immediately notify the work assignment employer.
- 5) Failure to report to the work assignment when initially called in or referred or failure to attend one day in any 30-day period, without good cause, shall result in financial sanction and/or food stamp disqualification (see Section 121.184). Failure to comply will also result in not meeting the work requirement.
- 6) The participant will be notified where and when to report, to whom to report, a brief description of duties, and the number of hours to be worked.
- d) Administration and Contracts
- 1) The Department shall administer the Illinois Works program.
- 2) The Department may enter into an inter-agency agreement with other State agencies that want to participate in the operation of the Illinois Works Component. The Department shall establish the policy and procedures for the component and monitor Illinois Works as operated by other State agencies.
- 3) The Department may enter into contracts with any public or private nonprofit organization, as comprehensive providers, to administer and operate Illinois Works.
- 4) The Department may enter into a cooperative agreement with local governmental units that want to participate in the operation of the Illinois Works Component.
- 5) The Department shall provide Worker's Compensation coverage for each individual assigned to Illinois Works.
- 6) Entities operating Illinois Works under contract, inter-agency agreement, cooperative agreement, or intergovernmental agreement will notify the Department of the failure of an individual to cooperate or meet participation requirements.
- 7) Entities operating Illinois Works under contract, inter-agency agreement, cooperative agreement, or intergovernmental agreement are responsible for eligibility verifications, participant supervision, monitoring of hours worked, client tracking, and reporting back to the DHS local office for data entry and case file updating.

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- 8) Illinois Works job slots may only be located in public or private nonprofit agencies.
- e) For the purposes of Illinois Works, a suitable Illinois Works position must meet the following requirements:
- 1) No participant shall be required to work more than eight hours on any given day;
- 2) If the participant is unable to appear for the scheduled assignment or to complete the hours of work obligation due to compliance with Unemployment Insurance requirements, such inability shall not be considered a refusal to cooperate;
- 3) All participants in Illinois Works must be provided Worker's Compensation coverage;
- 4) All participants employed in Illinois Works shall have working conditions provided other employees similarly employed;
- 5) The Illinois Works assignments shall in no way infringe upon the promotional opportunities that would otherwise be available to regular employees;
- 6) Illinois Works assignments shall not be related in any way to political or partisan activities;
- 7) Illinois Works assignments should, to the greatest extent possible, take into consideration previous training, experience, and skills of a participant;
- 8) Nondiscrimination requirements shall apply to all agencies involved in Illinois Works;
- 9) There is no unreasonable degree of risk to the individual's health and safety; and
- 10) The individual may not be required, as a condition of employment, to join, resign from, or refrain from joining any legitimate labor organization.
- f) Illinois Works assignments are not intended to displace paid employees of the sponsoring organization. Displacement refers to terminating, laying off or not filling existing job vacancies. Individuals may file a grievance if they feel displacement has occurred. In order for the Department to consider a grievance, it must be in writing.
- g) If the Department concludes that displacement occurred, the Department will terminate the individual's assignment to that work assignment employer. If the Department concludes that the work assignment employer has caused displacement by use of individuals participating in FSE&T in addition to the individual grievant, then the Department may terminate other FSE&T program participants' assignments to that work assignment sponsor.
- h) All individuals are assured that no retaliation will be taken against them by the Department, its employees, or the work assignment employer for filing a grievance.

(Source: Added by emergency rulemaking at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days)

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Section 121.179 JTPA Employability Services Component  
EMERGENCY

a) The JTPA Employability Services Component is designed to provide participants with a meaningful orientation, assessment, and training and to assist them in finding jobs. An individual is expected to participate fully with all component requirements to maximize his or her employment potential.

b) Eligibility Criteria

1) An assessment will be conducted to determine appropriateness for this component. Based on a review of all available information about the individual's education, training, and employment history, a determination will be made as to whether the individual will benefit from a JTPA Employability Services assignment.

2) If a JTPA Employability Services assignment does not appear appropriate or the individual does not possess the skills necessary for JTPA Employability Services, the individual will be assigned to another appropriate component.

3) The JTPA Employability Services Component may be appropriate for an individual who has to meet the work requirement to receive food stamps.

4) Individuals are not entitled to be placed in a JTPA Employability Services position. JTPA Employability Services positions shall be made available only as resources permit.

c) Participation Requirements

1) Individuals must participate 80 hours each month in JTPA Employability Services activities.

2) Individuals shall be credited with hours of work that the JTPA Employability Services provider certifies them to have completed, in writing, when approved by the Department.

3) Failure to report to the JTPA Employability Services provider when initially called in or referred, failure to participate, or failure to attend one day in any 30-day period, without good cause, shall result in a financial sanction and/or food stamp disqualification (see Section 121.184). Failure to comply will also result in not meeting the work requirement.

d) Administration and Contracts

1) The Department shall administer the JTPA Employability Services program.

2) The Department may enter into an inter-agency agreement with other State agencies who want to participate in the operation of JTPA Employability Services. The Department shall establish the policy and procedures for the component and monitor JTPA Employability Services as operated by other State agencies.

3) The Department may enter into contracts with any public or private nonprofit organizations, as comprehensive providers, to administer and operate the JTPA Employability Services Component.

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- 4) The Illinois Department may enter into cooperative agreements with local governmental units that want to participate in the operation of the JTPA Employability Services Component.
- 5) Entities operating JTPA Employability Services under contract, inter-agency agreement, cooperative agreement, or intergovernmental agreement will notify the Department of failure of an individual to cooperate or meet participation requirements.
- 6) Entities operating JTPA Employability Services under contract, inter-agency agreement, cooperative agreement, or intergovernmental agreement are responsible for eligibility verifications, participant supervision, monitoring of hours completed, client tracking, and reporting back to the DHS local office for data entry and case file updating.

(Source: Added by emergency rulemaking at 22 Ill. Reg. 10680, effective June 1, 1998, for a maximum of 150 days)

Section 121.184 Sanctions  
EMERGENCY

a) An individual who fails to cooperate with the Food Stamp Employment and Training program, without good cause, and who fails to comply with the conciliation process shall be subject to Transitional Assistance sanction and/or food stamp disqualification. An individual ordered by a court of competent jurisdiction to participate in the Earnfare Component who fails to cooperate shall be referred back to the court for failure to comply with the court order. Individuals who volunteer to participate in Earnfare or individuals ordered by a court of competent jurisdiction to participate are not subject to food stamp disqualifications for non-participation in Earnfare.

1) An individual who fails to cooperate with the requirements of the Food Stamp Employment and Training program shall be ineligible for Transitional Assistance for two months and/or disqualified for food stamps for two months. The two month ineligibility and/or food stamp disqualification shall be ended early if the individual actually complies with the appropriate requirement or if the individual becomes exempt.

2) Transitional Assistance sanctions and/or food stamp disqualifications shall be imposed against those individuals who refuse or fail to participate, without good cause, in the Food Stamp Employment and Training program. (See Section 121.186 for good cause.)

b) Non-cooperation with the Food Stamp Employment and Training program includes one instance of any of the following:

- 1) refusal/failure to respond to a job referral;
- 2) refusal/failure to accept a bona fide offer of suitable employment (see Section 121.162(b)(4));
- 3) discontinuance of suitable employment (including quitting a job



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after placement and before cancellation) without good cause (see Section 121.162(c)(1));

4) reduction of suitable employment (for example, hours of employment) without good cause (see Section 121.162(c)(2)); or

5) use of a supportive service payment (see Section 121.186) for something other than the supportive service for which it was provided.

c) A Transitional Assistance sanction and/or food stamp disqualification will be imposed when an individual fails to comply, without good cause, with the following Food Stamp Employment and Training requirements on one occasion, unless otherwise indicated:

1) An individual fails, without good cause, or refuses to respond to a written notice for an appointment. If an individual arrives anytime within 30 minutes after the start of the scheduled meeting, the individual will be considered present. If an individual has good cause (see Section 121.186) for being more than 30 minutes late, the tardiness will be excused. The Food Stamp Employment and Training worker will include the individual in a scheduled group or other meeting or re-schedule the individual for another meeting;

2) An individual refuses to accept child care, transportation, family counseling or other social service or employment and training services such as testing or employment counseling, without good cause, thereby precluding or interrupting participation or progress in the employability plan;

3) An individual fails to cooperate in Job Search one time without good cause (see Section 121.182(g)). Each missed session is considered an instance of non-cooperation. Failure of an individual to make the required 20 employer contacts in a 30-day period shall result in a Transitional Assistance sanction and/or a food stamp disqualification (see Sections 121.162(b)(2));

4) Individuals assigned to participate in an Education or a Training component activity must maintain a satisfactory level of attendance as established by the education or training facility. However, failure to attend training or education classes three times in a 30-day period, without good cause, shall result in a Transitional Assistance sanction and/or food stamp disqualification (see Section 121.186); and

5) Failure of an individual to attend training, without good cause, as specified for the Training component shall result in a sanction; and -

6) Failure to report to the Illinois Works or JTPA Employability Services Provider when initially called in or referred, failure to participate, or failure to attend one day in any 30-day period, without good cause, shall result in a Transitional Assistance Sanction and/or food stamp disqualification.

d) A Transitional Assistance sanction and/or food stamp disqualification shall be imposed only on a nonexempt individual.

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e) No Transitional Assistance sanction or food stamp disqualification will be imposed until Food Stamp Employment and Training staff has sent the individual a written notice scheduling a conciliation meeting and the individual has not shown good cause for non-cooperation and has either failed to attend the meeting, without good cause, or failed to complete the conciliation process (see Section 121.190). The written notice shall explain the purpose of the appointment and the consequences for failure to attend or failure to show good cause and shall include a definition of good cause. Failure of the nonexempt registrant to appear for the scheduled meeting is not considered an instance of non-cooperation.

f) A Transitional Assistance sanction and/or food stamp disqualification shall be rescinded at any level of the Transitional Assistance sanction and/or food stamp disqualification process up through and until the final agency decision, including any appeal hearing, even if not previously mentioned, if the individual establishes good cause (see Section 121.186 for good cause criteria).

g) The notice of change form issued for a Transitional Assistance sanction and/or food stamp disqualification shall include the following:

- 1) a description of the acts of non-cooperation with the Food Stamp Employment and Training program, including dates where applicable;
- 2) a statement that the individual's acts were without good cause (see Section 121.186 for good cause criteria) and, if the individual provided a good cause reason, it must state why the reason was rejected and that the individual failed to successfully complete the conciliation process; and
- 3) the following statement: "You will be sanctioned until (last day of sanction period) or until you comply with the appropriate program requirement or become exempt. In order for Transitional Assistance and Food Stamp Assistance to be restored at the end of the financial sanction and/or food stamp disqualification period with no further gap in assistance, you must file an application for Transitional Assistance and/or Food Stamp Assistance between (date) and (date). If you apply later than (date), there may be a further gap in assistance."

(Source: Amended by emergency rulemaking at 22 Ill. Reg. 10660, effective June 1, 1998, for a maximum of 150 days)

**Section 121.188 Supportive Services****EMERGENCY**

- a) Transitional Assistance recipients and individuals receiving food stamps are eligible to receive supportive service payments in advance, except for orientation, to enable them to participate in the program. Transitional Assistance recipients and individuals receiving food



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stamps may also be eligible for initial employment expenses. Supportive service costs shall not include the cost of meals away from home.

b) During the assessment, the supportive services needed by an individual which must be discussed and provided or arranged as needed include at least the following:

- 1) transportation;
- 2) employment-related medical services (for example, TB test);
- 3) vocational rehabilitation;
- 4) initial employment expenses;
- 5) required books, fees, supplies;
- 6) pre-employment and pre-training physical examinations that are needed but not otherwise provided; and
- 7) clothing allowance to enable participants to report to their Earnfare job site.

c) Food Stamp Employment and Training program participation will not be required if supportive services are needed for effective participation but unavailable from the Department or some other reasonably available source. Food Stamp Employment and Training program participation will not be required in a component if the individual's monthly allowable supportive service expenses exceed the maximum amount allowed by Department policy. Individuals may be required to participate in another component or a less costly activity of the same component to the extent it is consistent with the employability plan established during the individual's assessment.

d) Eligible Services

- 1) Transportation
  - A) If required and necessary, expenses for transportation will be provided to enable individuals to attend orientation meetings and conciliation meetings.
  - B) Transportation expenses are to be paid to permit participation in the Job Search, Illinois Works, Basic Education, Job Training, Job Readiness, JTPA Employability Services, Work Experience and Earnfare Components.
  - C) Transportation payments are made at the most economical rate. If the individual's own automobile is used, the established rate per mile (15¢ per mile) will be approved, which includes all vehicle-related expenses.
  - D) Transportation expenses are to be paid as an initial employment expense to go to and from work for 30 calendar days from the date employment begins.
  - E) Transportation expenses are to be paid to Earnfare participants who are not in the Earnfare Job Search Activity for specific job interviews arranged by their Earnfare employer.

2) Job Search Expenses  
A) Individuals participating in Job Search will receive an amount, not to exceed \$20-00 a month, to assist in the

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payment of Job Search-Related Expenses.

B) An allowance of \$5-00 a month will be paid to individuals participating in the Work Experience and Job Readiness Components to assist in the payment of Job Search-Related Expenses.

- 3) Mandatory Fees. Mandatory fees, including application, registration, activities, laboratory, graduation and testing fees, including the fee for the GED test, are provided to individuals enrolled in approved education or training programs (see Sections 121.170 through 121.182). A maximum payment of \$300-00 per 12-month period can be provided. No payments are allowed for tuition.
- 4) Books and Supplies. Payment is allowed for books, supplies and equipment purchased in accordance with the facility's published list of required items for the particular program in which an individual is enrolled. A maximum payment of \$300-00 per 12-month period can be provided.
- 5) Physical Examinations. Payment is permitted for individuals to obtain required physical examinations if the costs are not otherwise provided by sources such as the employer or the training program.
- 6) Earnfare clothing allowance. Necessary clothing is provided to enable participants to report to their Earnfare job site. A maximum clothing allowance of \$100-00 per 12-month period can be provided.

7) Initial Employment Expenses

- A) Payment may be provided for employment expenses incurred when requested within 30 calendar days from the date employment begins for all components except Illinois Works and JTPA Employability Services. These expenses are paid based on the individual's work days during a 30 calendar day period from the date employment begins. The total amount of all Initial Employment Expenses provided shall not exceed \$400 in a 12 consecutive month period. Payment may be made to individuals employed at least 20 hours weekly on a job that is expected to last at least 30 calendar days, or employed less than 20 hours weekly on a job that is expected to last at least 30 calendar days and total hours of employment plus component activity equal at least 20 hours per week.

B) These expenses include:

- i) Special clothing (maximum \$200-00);
- ii) Required tools which are not provided by the employer (maximum \$200-00);
- iii) Repairs of an automobile (maximum \$300-00);
- iv) Auto license plate fees;
- v) Auto liability insurance at the cheapest rate but not to exceed \$150-00 or three months coverage, whichever

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is less costly;

- vi) Transportation expenses at the most reasonable and economical rate. If the mandatory registrant's own car is used, a gas allowance of \$3-00 daily or a rate of 15¢ per mile, whichever is less, shall be authorized;
  - vii) Child care;
  - viii) Physical examination, prior to employment, if required and not provided by the employer;
  - ix) Other required items related to a specific job (maximum \$300-00); and
  - x) Item(s) or service(s) purchased that will assist the individual in meeting Illinois Department of Children and Family Services' child care licensing requirements (maximum \$300-00). Item(s) and service(s) may include but are not limited to the purchase of fire extinguishers, smoke alarms, first aid kits and installation of a telephone.
- C) Initial employment expenses will not be authorized to purchase firearms, pay bail bonds or traffic tickets, or pay relocation expenses so an individual can accept employment elsewhere.
- D) Also not permitted as an initial employment expense are expenses required for the self-employment of the individual except when expenses will assist the individual in becoming an Illinois Department of Children and Family Services licensed child care provider.
- e) These allowances are exempt from consideration in determining the Transitional Assistance grant amount.

(Source: Amended by emergency rulemaking at 22 Ill. Reg. 10680, effective June 1, 1998, for a maximum of 150 days)

## SUBPART I: WORK REQUIREMENT FOR FOOD STAMPS

Section 121.220 Work Requirement Workfare ComponentsEMERGENCY

- a) To the extent resources allow, the Department shall establish Workfare Components to give food stamp recipients an opportunity to meet the work requirement for food stamps by volunteering to participate in the Workfare Components. These components include the:
  - 1) Earnfare Component (see Section 121.221), which is limited to adults who receive food stamps and who volunteer or are court-ordered to participate;
  - 2) Volunteer Community Work Component (see Section 121.222); and
  - 3) Work Experience Component (see Section 121.223);<sup>1</sup>
- 4) Illinois Works Component (see Section 121.225); and

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- 5) JTPA Employability Services Component (see Section 121.226).
- b) Food stamp recipients who meet the participation requirements of the Workfare Components to retain food stamp eligibility may also participate in other Food Stamp Employment and Training (FSE&T) components. These components include Job Search (see Section 121.170), Basic Education (see Section 121.172), Job Readiness (see Section 121.174), and Job Training (see Section 121.178).

(Source: Amended by emergency rulemaking at 22 Ill. Reg. 10680, effective June 1, 1998, for a maximum of 150 days)

Section 121.225 Meeting the Work Requirement with the Illinois Works Component  
EMERGENCY

- a) The Illinois Works Component is designed to provide participants with a meaningful orientation to work, work experience or training and to assist them in finding jobs. An individual is expected to participate fully with all Illinois Works Component requirements to maximize his or her employment potential.

b) Eligibility Criteria

- 1) An assessment will be conducted to determine appropriateness for this component. Based on a review of all available information regarding the individual's education, previous training, skills level and employment history, a determination will be made as to whether the individual will benefit from an Illinois Works assignment.
  - 2) If an Illinois Works assignment does not appear appropriate or the individual does not possess the skills necessary for available Illinois Works assignment positions, the individual will be assigned to another appropriate component.
  - 3) The Illinois Works Component may be appropriate for an individual who has to meet the work requirement to receive food stamps.
  - 4) Individuals are not entitled to be placed in an Illinois Works position. Illinois Works positions shall be made available only as resources permit.
- c) Participation Requirements
- 1) Participants must engage in hours of work equal to the amount of their food stamp benefits divided by the higher of the federal or State minimum wage up to a maximum of 20 hours each month.
  - 2) An individual living in a multi-person food stamp household shall be deemed to be receiving a per capita share of the household's food stamp allotment for purposes of calculating the Illinois Works hours. The individual must engage in hours of work equal to his or her per capita share divided by the higher of the federal or State minimum wage up to a maximum of 20 hours each month.
  - 3) The individual shall be credited with hours of work that the Illinois Works employer certifies him or her to have completed.



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- 3) All participants in Illinois Works must be provided Worker's Compensation coverage;
- 4) All participants employed in Illinois Works shall have working conditions provided other employees similarly employed;
- 5) The Illinois Works assignments shall in no way infringe upon the promotional opportunities that would otherwise be available to regular employees;
- 6) Illinois Works assignments shall not be related in any way to political or partisan activities;
- 7) Illinois Works assignments should, to the greatest extent possible, take into consideration previous training, experience, and skills of a participant;
- 8) Nondiscrimination requirements shall apply to all agencies involved in Illinois Works;
- 9) There is no unreasonable degree of risk to the individual's health and safety; and
- 10) The individual may not be required, as a condition of employment, to join, resign from, or refrain from joining any legitimate labor organization.
- f) Illinois Works assignments are not intended to displace paid employees of the sponsoring organization. Displacement refers to terminating, laying off or not filling existing job vacancies. Individuals may file a grievance if they feel displacement has occurred. In order for the Department to consider a grievance, it must be in writing.
- g) If the Department concludes that displacement occurred, the Department will terminate the individual's assignment to that work assignment employer. If the Department concludes that the work assignment employer has caused displacement by use of individuals participating in FSE&T in addition to the individual grievant, then the Department may terminate other FSE&T program participants' assignments to that work assignment sponsor.
- h) All individuals are assured that no retaliation will be taken against them by the Department, its employees, or the work assignment employer for filing a grievance.

(Source: Added by emergency rulemaking at 22 Ill. Reg. 10660 effective June 1, 1998, for a maximum of 150 days)

Section 121.226 Meeting the Work Requirement with the JTPA Employability Services Component  
EMERGENCY

- a) The JTPA Employability Services Component is designed to provide participants with a meaningful orientation, assessment, and training and to assist them in finding jobs. An individual is expected to participate fully with all component requirements to maximize his or her employment potential.
- b) Eligibility Criteria

- 4) in writing, when approved by the Department.
- Participants are required to report, as scheduled and on time, to the Illinois Works worksite. If they cannot appear for the assignment or will be late, they are to immediately notify the work assignment employer.
- 5) Failure to report to the work assignment when initially called in or referred or failure to attend one day in any 30-day period, without good cause, shall result in financial sanction and/or food stamp disqualification (see Section 121.184). Failure to comply will also result in not meeting the work requirement.
- 6) The participant will be notified where and when to report, to whom to report, a brief description of duties, and the number of hours to be worked.

- d) Administration and Contracts
- 1) The Department shall administer the Illinois Works program.
- 2) The Department may enter into an inter-agency agreement with other State agencies that want to participate in the operation of the Illinois Works Component. The Department shall establish the policy and procedures for the component and monitor Illinois Works as operated by other State agencies.
- 3) The Department may enter into contracts with any public or private nonprofit organization, as comprehensive providers, to administer and operate Illinois Works.
- 4) The Department may enter into a cooperative agreement with local governmental units that want to participate in the operation of the Illinois Works Component.
- 5) The Department shall provide Worker's Compensation coverage for each individual assigned to Illinois Works.
- 6) Entities operating Illinois Works under contract, inter-agency agreement, cooperative agreement, or intergovernmental agreement will notify the Department of the failure of an individual to cooperate or meet participation requirements.
- 7) Entities operating Illinois Works under contract, inter-agency agreement, cooperative agreement, or intergovernmental agreement are responsible for eligibility verifications, participant supervision, monitoring of hours worked, client tracking, and reporting back to the DHS local office for data entry and case file updating.
- 8) Illinois Works job slots may only be located in public or private nonprofit agencies.
- e) For the purposes of Illinois Works, a suitable Illinois Works position must meet the following requirements:
- 1) No participant shall be required to work more than eight hours on any given day;
- 2) If the participant is unable to appear for the scheduled assignment or to complete the hours of work obligation due to compliance with Unemployment Insurance requirements, such inability shall not be considered a refusal to cooperate;



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- 1) An assessment will be conducted to determine appropriateness for this component. Based on a review of all available information about the individual's education, training, and employment history, a determination will be made as to whether the individual will benefit from a JTPA Employability Services assignment.
- 2) If a JTPA Employability Services assignment does not appear appropriate or the individual does not possess the skills necessary for JTPA Employability Services, the individual will be assigned to another appropriate component.
- 3) The JTPA Employability Services Component may be appropriate for an individual who has to meet the work requirement to receive food stamps.
- 4) Individuals are not entitled to be placed in a JTPA Employability Services position. JTPA Employability Services positions shall be made available only as resources permit.

## c) Participation Requirements

- 1) Individuals must participate 80 hours each month in JTPA Employability Services activities.
- 2) Individuals shall be credited with hours of work that the JTPA Employability Services provider certifies them to have completed, in writing, when approved by the Department.
- 3) Failure to report to the JTPA Employability Services provider when initially called in or referred, failure to participate, or failure to attend one day in any 30-day period, without good cause, shall result in a financial sanction and/or food stamp disqualification (see Section 121.184). Failure to comply will also result in not meeting the work requirement.

## d) Administration and Contracts

- 1) The Department shall administer the JTPA Employability Services program.
- 2) The Department may enter into an inter-agency agreement with other State agencies who want to participate in the operation of JTPA Employability Services. The Department shall establish the policy and procedures for the component and monitor JTPA Employability Services as operated by other State agencies.
- 3) The Department may enter into contracts with any public or private nonprofit organizations, as comprehensive providers, to administer and operate the JTPA Employability Services Component.
- 4) The Illinois Department may enter into cooperative agreements with local governmental units that want to participate in the operation of the JTPA Employability Services Component.
- 5) Entities operating JTPA Employability Services under contract, inter-agency agreement, cooperative agreement, or intergovernmental agreement will notify the Department of failure of an individual to cooperate or meet participation requirements.
- 6) Entities operating JTPA Employability Services under contract, inter-agency agreement, cooperative agreement, or

## DEPARTMENT OF HUMAN SERVICES

## NOTICE OF EMERGENCY AMENDMENTS

intergovernmental agreement are responsible for eligibility verifications, participant supervision, monitoring of hours completed, client tracking, and reporting back to the DHS local office for data entry and case file updating.

(Source: Added by emergency rulemaking at 22 Ill. Reg. 10680, effective June 1, 1998, for a maximum of 150 days)

ENVIRONMENTAL PROTECTION AGENCY  
NOTICE OF PUBLIC INFORMATION  
LISTING OF DERIVED WATER QUALITY CRITERIA

Chemical: Anthracene  
Human health criterion (HTC): 35 mg/l  
Date criteria derived: August 18, 1993  
Applicable waterbodies:  
Not used during this period.  
CAS #120-12-7

Chemical: Benzene  
Acute criterion: 5,200 ug/l  
Human health criterion (HNC): 21 ug/l  
Date criteria derived: August 15, 1990  
Applicable waterbodies:  
0/120004-0836/off Higgins Creek  
CAS #71-43-2  
Chronic criterion: 416 ug/l

Chemical: Benzo(a)anthracene  
Human health criterion (HNC): 0.01 ug/l  
Date criteria derived: August 10, 1993  
Applicable waterbodies:  
Not used during this period.  
CAS #56-55-3

Chemical: Benzo(a)pyrene  
Human health criterion (HNC): 0.01 ug/l  
Date criteria derived: August 10, 1993  
Applicable waterbodies:  
Not used during this period.  
CAS #50-32-8

Chemical: Benzo(b)fluoranthene  
Human health criterion (HNC): 0.01 ug/l  
Date criteria derived: August 10, 1993  
Applicable waterbodies:  
Not used during this period.  
CAS # 205-99-2

Chemical: Benzo(k)fluoranthene  
Human health criterion (HNC): 0.01 ug/l  
Date criteria derived: August 10, 1993  
Applicable waterbodies:  
Not used during this period.  
CAS #207-08-9

Chemical: Carbon tetrachloride  
Acute criterion: 3,500 ug/l  
Chronic criterion: 280 ug/l  
CAS #56-23-5

ENVIRONMENTAL PROTECTION AGENCY  
NOTICE OF PUBLIC INFORMATION  
LISTING OF DERIVED WATER QUALITY CRITERIA

pursuant to 35 Ill. Adm. Code 302.Subpart F, the following water quality criteria have been derived as listed. This listing includes only the waterbodies for which water quality criteria have been used during the period February 1, 1998 through April 30, 1998.

A cumulative listing of criteria as of July 31, 1993 was published in 17 Ill. Reg. 18904, October 29, 1993. Listings of waterbodies for which water quality criteria were used during subsequent three-month periods were published in 18 Ill. Reg. 318, January 7, 1994; 18 Ill. Reg. 4457, March 18, 1994; 18 Ill. Reg. 8734, June 10, 1994; 18 Ill. Reg. 14166, September 9, 1994; 18 Ill. Reg. 17770, December 9, 1994; 19 Ill. Reg. 3563, March 17, 1995; 19 Ill. Reg. 7270, May 26, 1995; 19 Ill. Reg. 12527, September 1, 1995; 20 Ill. Reg. 649, January 5, 1996; 20 Ill. Reg. 4829, March 22, 1996; 20 Ill. Reg. 7549, May 30, 1996; 21 Ill. Reg. 12278, September 6, 1996; 20 Ill. Reg. 15619, December 6, 1996; 21 Ill. Reg. 3761, March 21, 1997; 21 Ill. Reg. 7554, June 13, 1997; 21 Ill. Reg. 12695, September 12, 1997; 21 Ill. Reg. 16193, December 12, 1997; and 22 Ill. Reg. 5131, March 13, 1998.

Chemical: Acenaphthene  
Acute criterion: 124 ug/l  
Date criteria derived: November 14, 1991  
Applicable waterbodies:  
Not used during this period.  
CAS #83-32-9  
Chronic criterion: 9.9 ug/l

Chemical: Acetone  
Acute criterion: 1,530 mg/l  
Date criteria derived: May 25, 1993  
Applicable waterbodies:  
Not used during this period.  
CAS #67-64-1  
Chronic criterion: 122 mg/l

Chemical: Acetonitrile  
Acute criterion: 375 mg/l  
Date criteria derived: December 7, 1993  
Applicable waterbodies:  
Not used during this period.  
CAS #75-05-8  
Chronic criterion: 30 mg/l

Chemical: Acrylonitrile  
Acute criterion: 910 ug/l  
Human health criterion (HNC): 0.21 ug/l  
Date criteria derived: November 13, 1991  
Applicable waterbodies:  
Not used during this period.  
CAS #107-13-4  
Chronic criterion: 73 ug/l

ENVIRONMENTAL PROTECTION AGENCY  
NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Human health criterion (HNC): 1.4 ug/l  
Date criteria derived: June 18, 1993  
Applicable waterbodies:

Not used during this period.

Chemical: Chlorobenzene  
Acute criterion: 993 ug/l  
Date criteria derived: December 11, 1991  
Applicable waterbodies:

Not used during this period.

Chemical: Chloroform  
Acute criterion: 1,870 ug/l  
Human health criterion (HNC): 130 ug/l  
Date criteria derived: October 26, 1992  
Applicable waterbodies:

Not used during this period.

Chemical: Chrysene  
Human health criterion (HNC): 0.01 ug/l  
Date criteria derived: August 10, 1993  
Applicable waterbodies:

Not used during this period.

Chemical: 1,2-dichlorobenzene  
Acute criterion: 210 ug/l  
Date criteria derived: December 1, 1993  
Applicable waterbodies:

Not used during this period.

Chemical: 1,3-dichlorobenzene  
Acute criterion: 500 ug/l  
Date criteria derived: July 31, 1991  
Applicable waterbodies:

Not used during this period.

Chemical: 1,2-dichloroethane  
Acute criterion: 24,900 ug/l  
Human health criterion (HNC): 23 ug/l  
Date criteria derived: March 19, 1992

ENVIRONMENTAL PROTECTION AGENCY  
NOTICE OF PUBLIC INFORMATION

LISTING OF DERIVED WATER QUALITY CRITERIA

Applicable waterbodies:

Not used during this period.

Chemical: 1,1-dichloroethylene  
Acute criterion: 3,030 ug/l  
Human health criterion (HNC): 0.95 ug/l  
Date criteria derived: March 20, 1992  
Applicable waterbodies:

Not used during this period.

Chemical: 2,4-dichlorophenol  
Acute criterion: 631 ug/l  
Date criteria derived: November 14, 1991  
Applicable waterbodies:

Not used during this period.

Chemical: 1,2-dichloropropane  
Acute criterion: 4,800 ug/l  
Date criteria derived: December 7, 1993  
Applicable waterbodies:

Not used during this period.

Chemical: 1,3-dichloropropylene  
Acute criterion: 99 ug/l  
Date criteria derived: November 13, 1991  
Applicable waterbodies:

Not used during this period.

Chemical: 4,6-dinitro-o-cresol = 2-methyl-4,6-dinitrophenol  
Acute criterion: 28.8 ug/l  
Date criteria derived: November 14, 1991  
Applicable waterbodies:

Not used during this period.

Chemical: 2,4-dinitrophenol  
Acute criterion: 85.3 ug/l  
Date criteria derived: December 1, 1993  
Applicable waterbodies:



Not used during this period.

Chemical: 2,6-dinitrotoluene  
Acute criterion: 1,910 ug/l  
Date criteria derived: February 14, 1992  
Applicable waterbodies:

CAS #606-20-2  
Chronic criterion: 153 ug/l

Not used during this period.

Chemical: Diquat  
Acute criterion: 1,330 ug/l  
Date criteria derived: January 30, 1996  
Applicable waterbodies:

CAS #85-00-7  
Chronic criterion: 106 ug/l

Not used during this period.

Chemical: Ethylbenzene  
Acute criterion: 216 ug/l  
Date criteria derived: August 15, 1990, revised May 17, 1991  
Applicable waterbodies:

CAS #100-41-4  
Chronic criterion: 17.2 ug/l

07120004-0836/off Higgins Creek (two sites)  
07120006-1045/off Long Lake  
07130006-0235/off Coon Creek

Chemical: Fluoranthene  
Human health criterion (HHC): 120 ug/l  
Date criteria derived: August 10, 1993  
Applicable waterbodies:

CAS #206-44-0

Not used during this period.

Chemical: Hexachlorobenzene  
Human health criterion (HNC): 0.00025 ug/l  
Date criteria derived: November 15, 1991  
Applicable waterbodies:

CAS #118-74-1

Chemical: Hexachloroethane  
Acute criterion: 381 ug/l  
Human health criterion (HNC): 2.9 ug/l  
Date criteria derived: November 15, 1991  
Applicable waterbodies:

CAS #67-72-1  
Chronic criterion: 30.5 ug/l

Not used during this period.

Chemical: Isobutyl alcohol = 2-methyl-1-propanol  
Acute criterion: 434 mg/l  
Date criteria derived: December 1, 1993  
Applicable waterbodies:

CAS #78-83-1  
Chronic criterion: 34.8 mg/l

Not used during this period.

Chemical: Methylene chloride  
Acute criterion: 17,200 ug/l  
Human health criterion (HNC): 340 ug/l  
Date criteria derived: January 21, 1992  
Applicable waterbodies:

CAS #75-09-2  
Chronic criterion: 1,380 ug/l

Not used during this period.

Chemical: Methyleneethyleketone  
Acute criterion: 322,000 ug/l  
Date criteria derived: July 1, 1992  
Applicable waterbodies:

CAS #78-93-3  
Chronic criterion: 26,000 ug/l

Not used during this period.

Chemical: 4-methyl-2-pentanone  
Acute criterion: 46 mg/l  
Date criteria derived: January 13, 1992  
Applicable waterbodies:

CAS #108-10-1  
Chronic criterion: 3.68 mg/l

Not used during this period.

Chemical: Naphthalene  
Acute criterion: 670 ug/l  
Date criteria derived: November 7, 1991  
Applicable waterbodies:

CAS #91-20-3  
Chronic criterion: 68 ug/l

Chemical: 4-nitroaniline  
CAS #100-01-6

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

## LISTING OF DERIVED WATER QUALITY CRITERIA

Acute criterion: 1.5 mg/l  
Date criteria derived: May 5, 1996  
Applicable waterbodies:

Chronic criterion: 0.12 mg/l

Not used during this period.

Chemical: Nitrobenzene  
Acute criterion: 15.4 mg/l  
Human health criterion (HTC): 0.52 mg/l  
Date criteria derived: February 14, 1992  
Applicable waterbodies:

CAS #98-95-3

Chronic criterion: 4.67 mg/l

Not used during this period.

Chemical: Pentachlorophenol  
Acute criterion: 20 ug/l  
Date criteria derived: national criterion, September 1986  
Applicable waterbodies:

Chronic criterion: 13 ug/l

Not used during this period.

Chemical: Phenanthrene  
Acute criterion: 46 ug/l  
Date criteria derived: October 26, 1992  
Applicable waterbodies:

CAS #85-01-8

Chronic criterion: 3.7 ug/l

Not used during this period.

Chemical: Pyrene  
Human health criterion (HTC): 3,500 ug/l  
Date criteria derived: December 22, 1992  
Applicable waterbodies:

CAS #120-00-0

Not used during this period.

Chemical: Tetrachloroethylene  
Acute criterion: 1,220 ug/l  
Date criteria derived: March 23, 1992  
Applicable waterbodies:

CAS #127-18-4

Chronic criterion: 152 ug/l

Not used during this period.

Chemical: Tetrahydrofuran  
Acute criterion: 216,000 ug/l  
Date criteria derived: March 16, 1992  
Applicable waterbodies:

CAS #109-99-9

Chronic criterion: 17,300 ug/l

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

## LISTING OF DERIVED WATER QUALITY CRITERIA

Not used during this period.

Chemical: Toluene  
Acute criterion: 8,080 ug/l  
Date criteria derived: August 16, 1990, revised May 17, 1991 and January 26, 1993  
Applicable waterbodies:

CAS #108-88-3

Chronic criterion: 646 ug/l

07120004-0836/off Higgins Creek (two sites)  
07120006-1045/off Long Lake  
07130006-0235/off Coon Creek

Chemical: 1,2,4-trichlorobenzene  
Acute criterion: 353 ug/l  
Date criteria derived: December 14, 1993  
Applicable waterbodies:

CAS #120-82-1

Chronic criterion: 69.2 ug/l

Not used during this period.

Chemical: 1,1,1-trichloroethane  
Acute criterion: 4,910 ug/l  
Date criteria derived: October 26, 1992  
Applicable waterbodies:

CAS #71-55-6

Chronic criterion: 393 ug/l

Not used during this period.

Chemical: 1,1,2-trichloroethane  
Acute criterion: 19,000 ug/l  
Human health criterion (HNC): 12 ug/l  
Date criteria derived: December 13, 1993  
Applicable waterbodies:

CAS #79-00-5

Chronic criterion: 3,540 ug/l

Not used during this period.

Chemical: Trichloroethylene  
Acute criterion: 11,700 ug/l  
Date criteria derived: October 23, 1992  
Applicable waterbodies:

CAS #79-01-6

Chronic criterion: 940 ug/l

Not used during this period.

Chemical: Xylenes  
Acute criterion: 1,500 ug/l  
Date criteria derived: August 23, 1990  
Applicable waterbodies:

CAS # 1330-20-7

Chronic criterion: 117 ug/l

## ENVIRONMENTAL PROTECTION AGENCY

## NOTICE OF PUBLIC INFORMATION

## LISTING OF DERIVED WATER QUALITY CRITERIA

07120004-0836/off Higgins Creek (two sites)  
 07120006-1045/off Long Lake  
 07130006-0235/off Coon Creek

For additional information concerning these criteria or the derivation process used in generating them, please contact:

Bob Mosher  
 Illinois Environmental Protection Agency  
 Division of Water Pollution Control  
 1021 North Grand Avenue East  
 Post Office Box 19276  
 Springfield, Illinois 62794-9276  
 217/782-3362

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER  
 ROOM 16-503  
 CHICAGO, ILLINOIS  
 10:30 A.M.  
 JUNE 16, 1998

NOTICES: Due to Register submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting.

*It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:*

Joint Committee on Administrative Rules  
 700 Stratton Office Building  
 Springfield, Illinois 62706

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGSAgriculture

1. Civil Administrative Code (8 Ill Adm Code 3)  
 -First Notice Published: 22 Ill Reg 6265 - 4/10/98  
 -Expiration of Second Notice: 7/11/98

2. Illinois State Fair, and DuQuoin State Fair, Non-Fair Space Rental and the General Operation of the State Fairgrounds (8 Ill Adm Code 270)  
 -First Notice Published: 22 Ill Reg 6280 - 4/10/98  
 -Expiration of Second Notice: 7/11/98

Attorney General

3. Standard Procurement (44 Ill Adm Code 1300)  
 -First Notice Published: 22 Ill Reg 6288 - 4/10/98  
 -Expiration of Second Notice: 7/11/98

Central Management Services



## JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER  
ROOM 16-503  
CHICAGO, ILLINOIS  
10:30 A.M.  
JUNE 16, 1998

4. The Travel Regulation Council (80 Ill Adm Code 3000)  
-First Notice Published: 22 Ill Reg 4550 - 3/13/98  
-Expiration of Second Notice: 7/10/98
5. Commerce Commission  
Relocation Towing (92 Ill Adm Code 1710)  
-First Notice Published: 21 Ill Reg 13960 - 10/24/97  
-Expiration of Second Notice: 6/21/98
6. Repeal of Uniform System of Accounts for Relocators (92 Ill Adm Code 1720)  
-First Notice Published: 21 Ill Reg 13990 - 10/24/97  
-Expiration of Second Notice: 6/21/98
7. Repeal of Imposition of Sanctions Including the Suspension or Revocation of Licenses and/or the Assessment of Civil Penalties (92 Ill Adm Code 1730)  
-First Notice Published: 21 Ill Reg 13955 - 10/24/97  
-Expiration of Second Notice: 6/21/98
8. Repeal of Standards for the Assessment of Civil Penalties (General Order 4(R)) (92 Ill Adm Code 1740)  
-First Notice Published: 21 Ill Reg 13986 - 10/24/97  
-Expiration of Second Notice: 6/21/98

Education

9. Certification (23 Ill Adm Code 25)  
-First Notice Published: 22 Ill Reg 4562 - 3/13/98  
-Expiration of Second Notice: 7/12/98
10. Evaluation of Certified School District Employees in Contractual Continued Service (23 Ill Adm Code 50)  
-First Notice Published: 22 Ill Reg 1801 - 1/9/98  
-Expiration of Second Notice: 6/20/98
11. Repeal of Elementary and Secondary School Capital Assistance Program (23 Ill Adm Code 150)  
-First Notice Published: 22 Ill Reg 2472 - 1/30/98  
-Expiration of Second Notice: 7/12/98
12. School Construction Program (23 Ill Adm Code 151)

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER  
ROOM 16-503  
CHICAGO, ILLINOIS  
10:30 A.M.  
JUNE 16, 1998

13. Block Grant for School Improvement (23 Ill Adm Code 160)  
-First Notice Published: 22 Ill Reg 2485 - 1/30/98  
-Expiration of Second Notice: 7/12/98
14. Repeal of Sprinkler Systems (23 Ill Adm Code 170)  
-First Notice Published: 22 Ill Reg 4588 - 3/13/98  
-Expiration of Second Notice: 7/12/98
15. Health/Life Safety Code for Public Schools (23 Ill Adm Code 180)  
-First Notice Published: 22 Ill Reg 4564 - 3/13/98  
-Expiration of Second Notice: 7/12/98
1. Pupil Transportation (23 Ill Adm Code 275)  
-First Notice Published: 22 Ill Reg 4583 - 3/13/98  
-Expiration of Second Notice: 7/12/98

Human Rights

17. Procedures Applicable to All Agencies (44 Ill Adm Code 750)  
-First Notice Published: 22 Ill Reg 5170 - 3/20/98  
-Expiration of Second Notice: 6/21/98

Natural Resources

18. Camping on Department of Natural Resources Properties (17 Ill Adm Code 130)  
-First Notice Published: 22 Ill Reg 6428 - 4/10/98  
-Expiration of Second Notice: 7/15/98
19. Pollution Control Board  
Organic Material Emission Standards and Limitations for the Chicago Area (35 Ill Adm Code 218)  
-First Notice Published: 22 Ill Reg 1091 - 1/9/98  
-Expiration of Second Notice: 6/27/98
20. Mobile Sources (35 Ill Adm Code 240)  
-First Notice Published: 22 Ill Reg 2720 - 2/6/98  
-Expiration of Second Notice: 7/12/98

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER  
ROOM 16-503  
CHICAGO, ILLINOIS  
10:30 A.M.  
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JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER  
ROOM 16-503  
CHICAGO, ILLINOIS  
10:30 A.M.  
JUNE 16, 1998

29. Electronic Filing of Documents (2 Ill Adm Code 565)  
-First Notice Published: 22 Ill Reg 5829 - 3/27/98  
-Expiration of Second Notice Period: 6/25/98
30. Dealers, Wreckers, Transporters and Rebuilders (92 Ill Adm Code 1020)  
-First Notice Published: 22 Ill Reg 6617 - 4/10/98  
-Expiration of Second Notice: 7/10/98
31. Cancellation, Revocation or Suspension of Licenses or Permits (92 Ill Adm Code 1040)  
-First Notice Published: 22 Ill Reg 5345 - 3/20/98  
-Expiration of Second Notice Period: 6/27/98

Transportation

32. Tourist Oriented Directional Signing Program (92 Ill Adm Code 541)  
-First Notice Published: 22 Ill Reg 6630 - 4/10/98  
-Expiration of Second Notice: 7/12/98
33. Inspection Procedures for Type II School Buses (92 Ill Adm Code 443)  
-First Notice Published: 22 Ill Reg 2914 - 2/6/98  
-Expiration of Second Notice: 6/21/98
34. Selection of Contractors and Consultants for Abandoned Mined Lands Reclamation Projects (44 Ill Adm Code 1150)  
-First Notice Published: 22 Ill Reg 6437 - 4/10/98  
-Expiration of Second Notice: 7/15/98
35. Abandoned Mined Lands Reclamation (62 Ill Adm Code 2501)  
-First Notice Published: 22 Ill Reg 6406 - 4/10/98  
-Expiration of Second Notice: 7/15/98

**EMERGENCY AND PEREMPTORY RULEMAKINGS**

Agriculture

36. Meat and Poultry Inspection Act (8 Ill Adm Code 125) (Peremptory)  
-Notice Published: 22 Ill Reg 9384 - 5/29/98

Banks and Real Estate

37. Real Estate Appraiser Certification (68 Ill Adm Code 1455) (Emergency)  
-Notice Published: 22 Ill Reg 8534 - 5/15/98

21. Standards for New Solid Waste Landfills (35 Ill Adm Code 811)  
-First Notice Published: 22 Ill Reg 4255 - 2/27/98  
-Expiration of Second Notice: 7/5/98
22. Procedural Requirements for Permitted Landfills (35 Ill Adm Code 813)  
-First Notice Published: 22 Ill Reg 4247 - 2/27/98  
-Expiration of Second Notice: 7/5/98
23. Management of Used and Waste Tires (35 Ill Adm Code 848)  
-First Notice Published: 22 Ill Reg 4240 - 2/27/98  
-Expiration of Second Notice: 7/5/98

Professional Regulation

24. Illinois Dental Practice Act (68 Ill Adm Code 1220)  
-First Notice Published: 21 Ill Reg 10889 - 8/8/97  
-Expiration of Second Notice: 7/5/98

Property Tax Appeal Board

25. Practice and Procedure for Hearings Before the Property Tax Appeal Board (86 Ill Adm Code 1910)  
-First Notice Published: 22 Ill Reg 3718 - 2/20/98  
-Expiration of Second Notice: 7/10/98

Public Aid

26. Hospital Services (89 Ill Adm Code 148)  
-First Notice Published: 22 Ill Reg 6061 - 4/3/98  
-Expiration of Second Notice: 7/4/98

Revenue

27. Retailers' Occupation Tax (86 Ill Adm Code 130)  
-First Notice Published: 22 Ill Reg 2070 - 1/23/98  
-Expiration of Second Notice: 7/11/98

Secretary of State

28. Rulemaking (1 Ill Adm Code 100)  
-First Notice Published: 22 Ill Reg 5416 - 3/20/98  
-Expiration of Second Notice: 6/18/98

## JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER  
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CHICAGO, ILLINOIS  
10:30 A.M.  
JUNE 16, 1998

Education

38. Insurance for Certified Employees (23 Ill Adm Code 56) (Emergency)  
-Notice Published: 22 Ill Reg 9580 - 6/5/98
39. School Technology Program (23 Ill Adm Code 575) (Emergency)  
-Notice Published: 22 Ill Reg 9591 - 6/5/98

Teachers' Retirement System

40. The Administration and Operation of the Teachers' Retirement System (80 Ill Adm Code 1650) (Emergency)  
-Notice Published: 22 Ill Reg 9374 - 5/29/98

AGENCY RESPONSESEducation

41. School Construction Program (23 Ill Adm Code 151)

Lottery

42. Lottery (General) (11 Ill Adm Code 1770)

Teachers' Retirement System

43. The Administration and Operation of the Teachers' Retirement System (80 Ill Adm Code 1650)

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

## SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of May 26, 1998 through June 1, 1998 and have been scheduled for review by the Committee at its June 16, 1998 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
7/10/98	Department of Central Management Services, The Travel Regulation Council (80 Ill Adm Code 3000)	3/13/98 22 Ill Reg 4550	6/16/98
7/10/98	Secretary of State, Dealers, Wreckers, Transporters and Rebuilders (92 Ill Adm Code 1020)	4/10/98 22 Ill Reg 6617	6/16/98
7/11/98	Office of the Attorney General, Standard Procurement (44 Ill Adm Code 1300)	4/10/98 22 Ill Reg 6288	6/16/98
7/11/98	Department of Agriculture, Civil Administrative Code (8 Ill Adm Code 3)	4/10/98 22 Ill Reg 6265	6/16/98
7/11/98	Department of Agriculture, Illinois State Fair, and DuQuoin State Fair, Non-Fair Space Rental and the General Operation of the State Fairgrounds (8 Ill Adm Code 270)	4/10/98 22 Ill Reg 6280	6/16/98
7/12/98	State Board of Education, Certification (23 Ill Adm Code 25)	3/13/98 22 Ill Reg 4562	6/16/98
7/12/98	State Board of Education, Repeal of Elementary and Secondary School Capital Assistance Program (23 Ill Adm Code 150)	1/30/98 22 Ill Reg 2472	6/16/98
7/12/98	State Board of Education, School Construction Program (23 Ill Adm Code 151)	1/30/98 22 Ill Reg 2485	6/16/98



JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

7/12/98	State Board of Education, Block Grant for School Improvement (23 Ill Adm Code 160)	3/13/98 22 Ill Reg 4557	6/16/98
7/12/98	State Board of Education, Repeal of Sprinkler Systems (23 Ill Adm Code 170)	3/13/98 22 Ill Reg 4588	6/16/98
7/12/98	State Board of Education, Health/Life Safety Code for Public Schools (23 Ill Adm Code 180)	3/13/98 22 Ill Reg 4564	6/16/98
7/12/98	State Board of Education, Pupil Transportation (23 Ill Adm Code 275)	3/13/98 22 Ill Reg 4583	6/16/98
7/12/98	Pollution Control Board, Mobile Sources (35 Ill Adm Code 240)	2/6/98 22 Ill Reg 2720	6/16/98
7/12/98	Department of Transportation, Tourist Oriented Directional Signing Program (92 Ill Adm Code 541)	4/10/98 22 Ill Reg 6630	6/16/98
7/15/98	Department of Transportation, Selection of Contractors and Consultants for Abandoned Mined Lands Reclamation Projects (44 Ill Adm Code 1150)	4/10/98 22 Ill Reg 6437	6/16/98
7/15/98	Department of Transportation, Abandoned Mined Lands Reclamation (62 Ill Adm Code 2501)	4/10/98 22 Ill Reg 6406	6/16/98
7/15/98	Department of Natural Resources, Camping on Department of Natural Resources Properties (17 Ill Adm Code 130)	4/10/98 22 Ill Reg 6428	6/16/98

98-267  
DISASTER AREA-LOGAN COUNTY

A system of severe thunderstorms accompanied by torrential rains moved through central Illinois delivering nearly 4 inches of rain on April 29, 1998. This rainfall caused flooding and flash flooding in the City of Lincoln, which resulted in a disruption of public services and damage to local roads, homes, businesses and other properties.

In the interest of responding to the threat imposed to public health and safety as a result of the storm systems, I hereby declare that a disaster exists within the State of Illinois, and specifically identify Logan County as a disaster area, pursuant to the provisions of Section 3305/7 of the Illinois Emergency Management Agency Act, 20 ILCS 3305/7.

This gubernatorial declaration of disaster will aid the Illinois Emergency Management Agency in coordinating assistance to local units of government from other State agencies, disaster relief organizations, and community volunteer resources in providing reasonable and necessary emergency measures for disaster response in this county. This declaration will also provide for the assessment of damages and the determination of a need to request supplemental federal assistance.

Issued by the Governor April 30, 1998.

Filed by the Secretary of State April 30, 1998.

98-268  
JEWISH COUNCIL FOR YOUTH SERVICES DAY

Whereas, Jewish Council for Youth Services (JCYS) is a community-based service organization dedicated to the developmental needs of children throughout the Chicago area through day camps and child care centers; and

Whereas, for almost 90 years, since its inception, Jewish Council for Youth Services, has encouraged the tradition integral to Jewish culture of helping others by training young leadership in volunteerism and charitable giving; and

Whereas, Jewish Council for Youth Services supports programs that emphasize recreation, education, and personal growth while serving boys and girls of all races, ethnic backgrounds and religions; and

Whereas, on May 9, 1998, JCYS will celebrate its 90th Anniversary with their Annual Dinner Benefit, "Celebrating Generations for Yesterday and Tomorrow" by honoring the Anixter Family, Kamensky Family, Pollack Family, Reich Family, Solomon Family, Taylor Family, Weil Family, and Yaffe Family for their extraordinary leadership, vision, and dedication to JCYS and the Jewish community; and

Whereas, on May 9, 1998, JCYS will present the Lifetime Leadership Award to Alan Altheimer and Howard Landau for their lifelong dedication to righteous giving and community service that spans nine decades;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 9, 1998, as JEWISH COUNCIL FOR YOUTH SERVICES DAY in Illinois and congratulate Jewish Council for Youth Services and its past and future leaders for their commitment and many accomplishments in community service.

Issued by the Governor April 30, 1998.

Filed by the Secretary of State May 8, 1998.

# 98-269 NATIONAL ASSOCIATION OF INSURANCE WOMEN WEEK

Whereas, professional insurance women make a significant contribution to the risk and insurance industry; and

Whereas, they are increasingly effective locally and statewide in promoting public awareness of important issues such as tort reform, automobile safety, and drunk driving; and

Whereas, they are committed to maintaining the highest professional standards and ethics in the insurance industry; and

Whereas, professional insurance women are working effectively on a national level as the National Association of Insurance Women (International), which has reached a membership of more than 15,000; and

Whereas, these insurance professionals have earned recognition for their outstanding accomplishments in the economically vital insurance industry;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 17-23, 1998, as NATIONAL ASSOCIATION OF INSURANCE WOMEN WEEK in Illinois in honor of their important and diverse roles throughout the risk and insurance industry.

Issued by the Governor April 30, 1998.

Filed by the Secretary of State May 8, 1998.

# 98-270 OSTEOPOROSIS PREVENTION MONTH

Whereas, osteoporosis is a debilitating bone-thinning disease in which the skeleton becomes so fragile that the slightest movement can cause a bone fracture. Osteoporosis affects 28 million Americans, 80 percent of whom are women. It takes a terrible human toll of death, pain, impaired mobility, and disruption of daily activities. Its victims lose their independence, and their families share in the heartache; and

Whereas, osteoporosis stands as a foremost problem in women's health issues. The disease is more prevalent among women, and has risk factors and interventions which are different for women. Because of generally lowered income and lack of health care reimbursement for necessary testing, women encounter significant barriers to early diagnosis. And because women have a longer life expectancy, the likelihood of developing fractures associated with osteoporosis is greatly increased; and

Whereas, one out of every two women and one out of every eight men over the age of 50 will suffer an osteoporosis related fracture; and

Whereas, building peak bone mass during childhood and young adulthood is critical to reducing the change of developing osteoporosis later in life and a health lifestyle, including a balanced diet rich in calcium, and regular exercise can help prevent osteoporosis; and

Whereas, methods do exist to detect the disease before fractures occur and people will take preventive action to reduce their risk of osteoporosis if they are informed; and

Whereas, in May, 1998, the American public is called upon to observe National Osteoporosis Prevention Month with appropriate programs and activities;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1998 as OSTEOPOROSIS PREVENTION MONTH in Illinois and urge all civic,

scientific, medical educational, voluntary, governmental and health care organizations and professionals to recognize the importance of osteoporosis prevention with education and information programs and activities for the citizens of the State of Illinois.

Issued by the Governor April 30, 1998.

Filed by the Secretary of State May 8, 1998.

# 98-271 POLISH CONSTITUTION DAY

Whereas, to celebrate the 207th anniversary of the adoption of the Polish Constitution of 1791, the Polish Constitution Day Parade will take place Saturday, May 2, 1998, and its theme will be "Poland in NATO"; and

Whereas, Adam Ocytko will serve as Parade Chairman and Reverend Alfred L. Abramowicz will precede the 1998 Polish Parade as Grand Marshall; and

Whereas, the Office of the Governor for Ethnic Affairs will sponsor the Polish Cultural Exhibit at the James R. Thompson Center as well as sponsor a program commemorating Polish Constitution Day immediately following the parade; and

Whereas, the Chicago Society of the Polish National Alliance will hold a Pre-Parade Brunch at the Hotel Allegro Chicago and the Polish Constitution Day Banquet, sponsored by the Polish Constitution Day Committee, will be held at the Starlight Inn in Schiller Park, Illinois; and

Whereas, the Wreath Laying Ceremony, sponsored by the Polish American Alliance, will be at the Kosciuszko Statue on May 3, 1998, at the Solidarity Parkway in Chicago; and

Whereas, the Polish National Alliance Commemorative Mass at Holy Trinity Church and the Parade Committee Mass at St. Ferdinand Church will be celebrated on Sunday, May 3, 1998; and

Whereas, the Polish Constitution of 1791 was the first liberal declaration in Europe which called for rule by majority and democratic principals of liberty and religious freedom; and

Whereas, Polish Americans contributed greatly to the State of Illinois in all areas including arts, science, medicine, law, government, and public services;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 3, 1998, as POLISH CONSTITUTION DAY in Illinois.

Issued by the Governor April 30, 1998.

Filed by the Secretary of State May 8, 1998.

# 98-272 PREVENTION OF ACCIDENTS AND BRAIN AND SPINAL CORD INJURIES WEEK

Whereas, the University of Illinois, the University of Illinois at Chicago, the Chicago Public Schools and the THINK FIRST Foundation are dedicated to improving the quality of health care in our state, nation and world as demonstrated by the "School Education Program: Prevention of Accidents and Brain and Spinal Cord Injuries;" and

Whereas, the collaborative efforts on the part of these organizations are a commendable example of leadership in the provision of a model high school program for inception throughout the United States of America; and



and Whereas, the Chinese American Service League Children and Youth Center will be renamed the Vernon Sandacz Children and Youth Center; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 2, 1998, as VERNON SANDACZ DAY in Illinois.  
Issued by the Governor April 30, 1998.  
Filed by the Secretary of State May 8, 1998.

98-275  
LIEUTENANT GOVERNOR BOB KUSTRA COMMENDED

Whereas, Bob Kustra has demonstrated a strong commitment to education in Illinois during his extensive public career as a state Representative, state Senator, Lieutenant Governor, and Chair of the Illinois Board of Higher Education; and  
Whereas, Bob Kustra has taught at Northwestern University, the University of Illinois at Chicago, Roosevelt University, Sangamon State University Lincoln Land Community college, and Oakton Community College, and served as Director of the Center for Research in Urban Government at Loyola University of Chicago; and  
Whereas, Bob Kustra has been a champion of issues concerning faculty at public and private colleges and universities in Illinois and has been a leader in promoting the involvement of students in public service; and  
Whereas, Bob Kustra co-chaired, with Arthur Quern, the Governor's Task Force on Higher Education that produced a restructuring of higher education governance in 1995; and  
Whereas, Bob Kustra was instrumental in launching Project Success to help children cope with family or health difficulties that could impair their education; and  
Whereas, Bob Kustra was the sponsor of education reform legislation in 1985 and played a major role in the reform of the Chicago Public Schools in 1995; and  
Whereas, Bob Kustra has been the leader for the Edgar Administration on issues linking education and economic development and co-chaired the Human Resource Investment Council to better prepare students for the workforce through partnerships with local schools, community colleges and businesses; and  
Whereas, Bob Kustra has been a strong advocate for increasing the use of technology in the classroom, and served on the Higher Education Technology Task Force, which has recommended creation of the state-of-the-art Illinois Century Network;  
Therefore, I, Jim Edgar, Governor of the State of Illinois, commend Lieutenant Governor Bob Kustra on his continued commitment to education in Illinois.

Issued by the Governor May 4, 1998.  
Filed by the Secretary of State May 8, 1998.

98-276  
DEWEY THOMPSON DAY

Whereas, E. Duane "Dewey" Thompson is retiring from his position as President and Chief Executive Officer of the Association for Individual Development (AID) in which he has provided outstanding professional leadership

Whereas, the training of teachers, nurses, occupational therapists and physical therapists will strengthen and broaden the delivery of this vital health care information to assist young persons to lead safer lives; and  
Whereas, the goal of this project is to reduce accidents and brain and spinal cord injuries, as well as to ameliorate the unnecessary human suffering caused by such injuries and to provide a way to reduce the economic costs associated with these injuries; and  
Whereas, the 21st day of August 1998 is the occasion of the training session for this program;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim August 23-29, 1998, as PREVENTION OF ACCIDENTS AND BRAIN AND SPINAL CORD INJURIES WEEK in Illinois in appreciation of the services provided by these organizations to our citizens.  
Issued by the Governor April 30, 1998.  
Filed by the Secretary of State May 8, 1998.

98-273  
TENNIS ACROSS ILLINOIS DAY

Whereas, tennis is a recreational game and a competitive sport that is played by millions of people of all ages and ability levels across the United States; and  
Whereas, tennis is a proven means of achieving physical fitness; and  
Whereas, the United States Professional Tennis Association (USPTA) is a not-for-profit association, and its members aspire to increase participation in tennis and to elevate the standards of tennis teaching in the world; and  
Whereas, USPTA has offered the Champaign Park District a national grant to provide a free tennis experience to all residents of Champaign-Urbana and the State of Illinois; and  
Whereas, the Champaign Park District, Urbana Park District and the University of Illinois are jointly providing this community-wide event; and  
Whereas, the festival-type events will take place on May 9, and will feature free tennis lessons for kids and adults and fun tennis-related activities for everyone; and  
Whereas, the best local teaching professionals in the area will provide tennis tips designed to get everyone on the court and having fun in record time;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 9, 1998, as TENNIS ACROSS ILLINOIS DAY.  
Issued by the Governor April 30, 1998.  
Filed by the Secretary of State May 8, 1998.

98-274  
VERNON SANDACZ DAY

Whereas, Vernon Sandacz was a man who dedicated his life to serving people; and  
Whereas, Vernon Sandacz's endless list of accomplishments included service as Executive Director of Benton Community Settlement House, Assistant Director of the American Camping Association, an active board member of the Chinese American Service League, Chinese American Civic Council, Citizens for Bridgeport, Asians and Friends of Chicago, and Asian American AIDS Services;



for 32 years; and

Whereas, Dewey Thompson has been an inspiration to thousands of professionals, working with and for children and adults with disabilities throughout the United States; and

Whereas, he has served on multiple committees, commissions and advisory groups to national, state, and private organizations including the President's Committee on Mental Retardation and was vice-chair of its Community and Individual Life subcommittee; and

Whereas, he has been instrumental in affecting positive change in the laws, rules and operating procedures of state and national governments in their obligations toward citizens with disabilities; and

Whereas, he has taken the helm of AID and has made it a model of community services for individuals with mental and developmental disabilities in Illinois and the nation; and

Whereas, he has, throughout his career, unselfishly devoted his time, energy and intelligence to improve the lot of persons with disabilities and helped create a more positive and accepting environment into which they are born and raised;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 15, 1998, as DEWEY THOMPSON DAY in Illinois.

Issued by the Governor May 5, 1998.

Filed by the Secretary of State May 8, 1998.

#### 98-277

##### GARDEN WEEK

Whereas, the Garden Clubs of Illinois, in cooperation with the National Council of State Garden Clubs, is promoting National Garden Week in Illinois; and

Whereas, Garden Week involves setting aside a special week to strengthen communities by encouraging citizens of all ages to work toward common goals; and

Whereas, among Garden Week activities are educational programs, environmental cleanup, community beautification, flower shops, garden walks, youth activities, and workshops; and

Whereas, the Garden Clubs of Illinois is a non-profit organization with more than 9,000 members and 250 clubs throughout Illinois; and

Whereas, the members are concerned citizens willing to devote their time and talents to the conservation, preservation, and beautification of our state's natural treasures and to expand and share our knowledge for the betterment of the environment;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 7-13, 1998, as GARDEN WEEK in Illinois.

Issued by the Governor May 5, 1998.

Filed by the Secretary of State May 8, 1998.

#### 98-278

##### HEALTH AWARENESS MONTH

Whereas, the eighth annual Health Awareness Month will be celebrated in June in six counties in Missouri and four counties in Illinois; and

Whereas, during this month a series of diverse health-related events are

scheduled throughout the state focusing on health awareness and education; and

Whereas, thousands of people in the State of Illinois suffer from diseases for which there is no known cure, and turn for help to voluntary health organizations who are dedicated in their mission to solving these problems through advanced medical research and technology; and

Whereas, the goal is to make the public aware of health issues and services available in the community while promoting cooperation among local health agencies for the better health of the community; and

Whereas, Health Awareness Month is a joint effort by the Combined Health Appeal of Missouri d/b/a Greater St. Louis, its 15 member agencies and 52 local health organizations;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 1998 as HEALTH AWARENESS MONTH in Illinois.

Issued by the Governor May 5, 1998.

Filed by the Secretary of State May 8, 1998.

#### 98-279

##### JOHN E. AND HAZEL W. FRANCIS PAVILION DAY

Whereas, Mrs. Hazel W. Francis was born and raised in Collinsville, Illinois, and graduated from the University of Illinois in 1927 with a BA in Liberal Arts and Sciences; and

Whereas, Mrs. Francis moved to New Lenox in 1949 when she married Mr. John E. Francis, and continued her involvement in community and volunteer work after moving to New Lenox; and

Whereas, Mrs. Hazel Francis was recognized in 1990 by the New Lenox Chamber of Commerce as "Citizen of the Year;" and

Whereas, The Board of Directors of Silver Cross Hospital and Medical Centers are dedicating the John E. and Hazel W. Francis Pavilion at Silver Cross Hospital on May 18, 1998; and

Whereas, Mrs. Francis, a long-time supporter of New Lenox and Silver Cross, donated the 2.9-acre site located between US 30 and New Haven Street;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 18, 1998, as JOHN E. AND HAZEL W. FRANCIS PAVILION DAY in Illinois.

Issued by the Governor May 5, 1998.

Filed by the Secretary of State May 8, 1998.

#### 98-280

##### LAMBDA MU OMEGA DAY

Whereas, Lambda Mu Omega Chapter of Alpha Kappa Alpha Sorority will hold its 6th Annual Fundraiser Gentlemen's Gala on Friday, June 19, 1998; and

Whereas, Lambda Mu Omega is a graduate chapter of Alpha Kappa Alpha Sorority, the oldest Greek letter organization established in America by Black college women (1908); and

Whereas, the chapter's purpose is to cultivate and encourage high scholastic and ethical standards among its members, to study and help alleviate problems concerning girls and women in order to improve their social stature, to implement the national program of the Sorority and to be of service to all mankind; and

Whereas, the chapter's service program includes donations to the NAACP, UNCF, the Urban League and CARE (an African village development program); and

Whereas, the proceeds from the 6th Annual Gentlemen's Gala will be used in support of the Sorority's commitment to "service of all mankind" and the chapter's scholarship program for students at historically Black colleges; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 19, 1998, as LAMBDA MU OMEGA DAY in Illinois.

Issued by the Governor May 5, 1998.  
Filed by the Secretary of State May 8, 1998.

## 98-281

## MOTHER'S DAY

Whereas, mothers are the focal point of the family and home, while more than ever serving their communities in labor, commerce and industry, and in every field of endeavor which is necessary for the public welfare and the prosperity of the nation; and

Whereas, we look to the mother in the home as the family bond, inspiring in children the importance of morals and ethics, and the fundamental laws which govern true integration and opportunity, and to impress upon them the timeless values of all the civic virtues which are the requisites for good American citizenship; and

Whereas, it is appropriate that we designate one day in the year to pay tribute through public expression to the reverence in which we hold the mother as the equal partner in the family in American society; therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 10, 1998, as MOTHER'S DAY in Illinois and call upon the citizens to observe it in worship and by displaying the American flag and otherwise commemorating the mother in the home in order that every day in the year may have the blessings that emanate from good motherhood, exemplary citizenship, and a strong family life.

Issued by the Governor May 5, 1998.

Filed by the Secretary of State May 8, 1998.

## 98-282

## TEEN PREGNANCY AWARENESS MONTH

Whereas, the Springfield Urban League will hold an Annual Awards Ceremony on May 22, 1998, at Grace United Methodist Church, located on 1612 E. Capitol, 6-8 p.m., to honor the youth, volunteers and different sectors of the community who have worked with Adolescent Responsibility Program's (ARP) staff, parents and youth on teen pregnancy prevention throughout the year; and

Whereas, ARP is a Primary Prevention Program designed to help reduce teen pregnancy and help adolescents become responsible young men and women, and to stress the importance of teen pregnancy prevention in the new millennium; and

Whereas, the future goal of the Springfield Urban League is to create a positive vision for our youth to embrace opportunity, set goals and stay motivated;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1998 as TEEN PREGNANCY AWARENESS MONTH in Illinois.

Issued by the Governor May 5, 1998.

## 98-283

## VOCATIONAL STUDENT ORGANIZATIONS WEEK

Whereas, the proper education of today's youth is a concern of all Americans; and

Whereas, vocational student organizations are dedicated to the advancement of proper education, training and development of America's youth; and

Whereas, for more than 20 years, organizations such as the Illinois Coordinating Council for Vocational Student Organizations (ICVSO) have advanced the awareness of the importance of vocational student organizations as an integral part of the educational curriculum; and

Whereas, vocational student organizations in Illinois include the Business Professionals of America, Future Business Leaders of America (FBLA), Future Homemakers of America/Home Economics Related Occupations (FHA/HERO), Health Occupations Students of American (HOSA), Illinois Association of FFA (FFA), Illinois Association of DECA (DECA), Illinois Postsecondary Agricultural Student Organization (PAS), Phi Beta Lambda (PBL), Technology Student Association (TSA) and Illinois Association of Vocational Industrial Clubs of America (VICA);

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 4-10, 1998, as VOCATIONAL STUDENT ORGANIZATIONS WEEK in Illinois in recognition of the contributions made by these organizations to the education of our youth.

Issued by the Governor May 5, 1998.

Filed by the Secretary of State May 8, 1998.

## 98-284

## FATHER RICHARD HOMA DAY

Whereas, Father Richard Homa was born September 24, 1947, and is the oldest of seven children, five boys and two girls; and

Whereas, Father Richard Homa is a lifelong Chicagoan from the Northwest side; and

Whereas, in 1965, he graduated from Quigley Preparatory Seminary North, and then went on to Niles College of Loyola University, where he majored in philosophy; and

Whereas, he attended St. Mary of the Lake Seminary in Mundelein and was ordained in 1973; and

Whereas, Fr. Rich did his deaconate work at St. Joseph the Worker in Wheeling and then was assigned as Associate Pastor at St. Zachary in Des Plaines from 1973 to 1980, St. Michael in Orland Park from 1980 to 1986 and St. Germaine in Oak Lawn from 1986 to 1987; and

Whereas, Father Richard Homa came to St. Julie in 1987 as Pastor, replacing Fr. William Devine, St. Julie's founding pastor;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 9, 1998, as FATHER RICHARD HOMA DAY in Illinois.

Issued by the Governor May 6, 1998.

Filed by the Secretary of State May 8, 1998.

## 98-285

## FOOD ALLERGY AWARENESS WEEK

Whereas, hundreds of Americans die each year due to food-induced anaphylaxis which is caused by individuals unknowingly eating a food containing an ingredient to which they are allergic; and



Whereas, anaphylaxis is a sudden, severe allergic reaction involving major organs in the body simultaneously, and for severely allergic individuals, it can cause death in a matter of minutes; and

Whereas, children are the largest group affected by food allergies with an estimate of five percent of children having food allergies; and

Whereas, symptoms of food allergies can include hives, vomiting, diarrhea and respiratory distress; and

Whereas, eight foods, including shellfish, fish, milk, egg, nuts, peanuts, soy and wheat, cause 90 percent of food allergy reactions; and

Whereas, eating in restaurants and schools are the highest risk situations for people with food allergies; and

Whereas, strict avoidance of the offending food is the only way to avoid a reaction since there is no cure for potentially fatal food allergies; and

Whereas, the Food Allergy Network (FAN) is a national nonprofit organization dedicated to the education of food allergies and the issues surrounding food allergies;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 10-16, 1998, as FOOD ALLERGY AWARENESS WEEK in Illinois.

Issued by the Governor May 6, 1998.

Filed by the Secretary of State May 8, 1998.

#### 98-286

##### MICHELE PIEL DAY

Whereas, Michele Piel has worked with child care in the State of Illinois for the past eight years; and

Whereas, Ms. Piel contributed immensely to the success of programs impacting children and families through her tireless dedication; and

Whereas, Ms. Piel was a major force in Illinois' development of a new system of child care that allows more children and working families access to quality care than ever before; and

Whereas, Ms. Piel has helped make child care in Illinois a model for the country; and

Whereas, the Department of Human Services and all child care professionals and advocates across the state will miss Michele's enthusiasm, creativity and dedication;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 6, 1998, as MICHELE PIEL DAY in Illinois on behalf of those who have been impacted by Michele's work.

Issued by the Governor May 6, 1998.

Filed by the Secretary of State May 8, 1998.

#### 98-287

##### MUSIC WEEK

Whereas, the period of May 3-10, 1998, will mark the 75th annual observance of National Music Week; and

Whereas, music is a vital part of the culture of every civilized nation and the people of the United States are proving themselves to be a great music-producing and music-loving nation; and

Whereas, it is incumbent upon all of us to join together to advance the cause of music as an art and harmonious force and to extend the radius of its

influence among nations, groups, and individuals; and

Whereas, the pursuit of music, whether it be through study, composing, listening, performing, or participation, gives rich experience in human life; and

Whereas, the National Federation of Music Clubs through National Music Week provides an opportunity for the organized musical forces of the country, as well as religious and educational and civic groups, to join music lovers in emphasizing the joys and pleasures to be gained from making music;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 3-10, 1998, as MUSIC WEEK in Illinois.

Issued by the Governor May 6, 1998.

Filed by the Secretary of State May 8, 1998.

#### 98-288

##### RABBI ARNOLD JACOB WOLF DAY

Whereas, Rabbi Arnold Jacob Wolf has served as the rabbinical leader of KAM Isaiah Israel Congregation in Hyde Park since 1980; and

Whereas, Rabbi Wolf has proven to be one of the most independent and influential thinkers in America over the last half-century; and

Whereas, Rabbi Wolf has rankled, delighted and challenged colleagues, students and congregates since his ordination in 1948; and

Whereas, his provocative brand of religious traditionalism and political activism has placed him at the forefront of Reform Judaism; and

Whereas, Rabbi Wolf has led his congregation at KAM Isaiah Israel in a dynamic position as an important part of the Hyde Park Community; and

Whereas, some highlights of Rabbi Wolf's career include: being the only Jewish Naval Chaplain in the Far East, Korean War, 1951-53; Korean Service Ribbon and United Nations Medal, 1953; first official Jewish representative to the World Council of Churches, Nairobi, Kenya, 1975; invited speaker at the UN Conference on the Question of Palestine, Vienna, Austria, 1989; and Jewish chaplain and Hillel director, Yale University, 1972-80; and

Whereas, a tribute weekend is planned for Rabbi Wolf at the end of June;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 28, 1998, as RABBI ARNOLD JACOB WOLF DAY in Illinois.

Issued by the Governor May 6, 1998.

Filed by the Secretary of State May 8, 1998.

#### 98-289

##### CHRONIC FATIGUE AND IMMUNE DYSFUNCTION SYNDROME AWARENESS DAY

Whereas, chronic fatigue and immune dysfunction syndrome (CFIDS) also known as chronic fatigue syndrome (CFS), is a complex illness which affects many different body systems and is characterized by neurological, rheumatological, and immunological problems; and

Whereas, persons with this syndrome often experience symptoms of sufficient severity to deprive them of the opportunity for gainful employment; and

Whereas, conservative estimates suggest that hundreds of thousands of adults and children in America have CFIDS; and

Whereas, although there has been increased activity, much more can be done



Whereas, the UTC School of Public Health has educated scientists, professionals, and the general public, reducing chronic disease prevalence throughout the great State of Illinois; and  
Whereas, the school's outreach services have affected every major region of the state, thereby ensuring effective public health policy, effective health promotion, disease and injury prevention using innovative methods; and  
Whereas, the school has continually capitalized on emerging opportunities for community outreach and public service, integrating public health practice and community service throughout the state; and  
Whereas, the school has alumni practicing public health throughout the state, country, and world, ensuring quality care for all populations tempered with care; and  
Whereas, thousands of lives have been positively affected within the State of Illinois, as a result of the countless public health-related programs offered by the UTC School of Public Health;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 15, 1998, as UNIVERSITY OF ILLINOIS AT CHICAGO, SCHOOL OF PUBLIC HEALTH DAY in Illinois.

Issued by the Governor May 7, 1998.  
Filed by the Secretary of State May 8, 1998.

to encourage further research and support patients and their families to eventually conquer CFIDS and related disorders; and  
Whereas, a special day has been devoted to increasing knowledge and understanding about CFIDS and supporting valuable research into its cause and cure;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 12, 1998, as CHRONIC FATIGUE AND IMMUNE DYSFUNCTION SYNDROME AWARENESS DAY in Illinois.

Issued by the Governor May 7, 1998.  
Filed by the Secretary of State May 8, 1998.

98-290  
NORWEGIAN CONSTITUTION DAYS

Whereas, Norway is the longest standing democratic constitution in Europe, and it has been an accomplishment to have defended and maintained democracy over this long period; and  
Whereas, Norwegian Americans have played a significant role in the progress of Illinois and have proudly shared their culture, heritage and talents with our state; and  
Whereas, to commemorate the 184th Anniversary of the signing of the Norwegian Constitution or "Syttende Mai," several celebrations are being planned; and  
Whereas, the annual Norwegian Parade in Park Ridge, founded in 1899 by the Norwegian National League of Chicagoland, will be held May 17, 1998, and chaired by Barbara Kronbore-Mogil and Christopher Diez; and  
Whereas, many organizations will march in the parade, including Sons of Norway's Lodges, Men's and Women's Choruses, a Norwegian nursing home, and the Norwegian Elkhounds; and  
Whereas, Liv Ohrstrom, who will be honored for her many years of dedication and commitment to the Norwegian American community, will precede the 1998 Norwegian Parade as Grand Marshal; and  
Whereas, in honor of the 125th anniversary of Park Ridge, Ronald Wietecha, Mayor of Park Ridge, will serve in the 1998 Norwegian Parade as Honorary Grand Marshal; and  
Whereas, the annual banquet of the Norwegian National League of Chicagoland will be held May 16, 1998, at the Scandinavian Club in Arlington Heights; and  
Whereas, Eivind Homme, Press and Cultural Counselor for the Royal Norwegian Embassy in Washington, DC, will be a guest speaker, and entertainment program will be provided by comedian Elizabeth Fjortoft;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 16-17, 1998, as NORWEGIAN CONSTITUTION DAYS in Illinois.

Issued by the Governor May 7, 1998.  
Filed by the Secretary of State May 8, 1998.

98-291  
UNIVERSITY OF ILLINOIS AT CHICAGO, SCHOOL  
OF PUBLIC HEALTH DAY

Whereas, the University of Illinois at Chicago, School of Public Health will celebrate its 25th Anniversary on May 15, 1998; and

Rules acted upon during the quarter of April 1 through June 30, 1998 (Issues 1-13) are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-40. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or [jnatale@ccgate.sos.state.il.us](mailto:jnatale@ccgate.sos.state.il.us) (Internet address).

**PROPOSED**

14-485-19 38-392-20 89-148-20 35-720-18  
 38-900-20 89-153-19 35-721-18  
 17-110-21 41-170-21 89-240-24 35-724-18  
 17-510-21 44-1R-20 89-300-19 35-725-18  
 17-530-21 44-1-20 89-302-18 35-728-18  
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INDEX DEPARTMENT  
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